

COMPREHENSIVE INDEX

ARTICLE 4

PERSONNEL

Series 4000

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Personnel – All Personnel

CONCEPTS AND ROLES

The County Superintendent of Schools wishes to establish through personnel policies and administrative regulations safe and supportive working conditions that will attract and retain staff members who are highly qualified and dedicated to the education and welfare of students in all schools, operations, and programs of the County Superintendent of Schools.

The County Superintendent believes that its personnel policies should be developed with the cooperation and participation of the employee organizations and the management team.

The County Superintendent affirms the intention to have all policies and administrative regulations conform to all requirements of law and state regulations.

The County Superintendent directs appropriate staff to develop personnel practices and administrative regulations to implement these policies. These personnel policies and regulations shall be designed to ensure a supportive, positive climate and shall be consistent with collective bargaining agreements.

Legal Reference: 88 Ops. Cal Atty. Gen. 901 (1989)
01 Ops. Cal Atty. Gen. 505 (2002)
Education Code
1040, 35160-35160.1
Current Certificate and Classified Negotiated Agreements

Policy
adopted: December 7, 1983

Policy
amended: May 14, 1997
October 5, 2011

Personnel - All PersonnelConcepts and Roles in Personnel

The County Superintendent is granted the power under law to contract with certificated employees (Ed. Code 1293) and to employ persons in positions not requiring certification qualifications (Ed. Code 1311); the County Superintendent is required to grant certain rights and privileges to both certificated and non-certificated employees in the same way that district governing boards are for their employees. The County Superintendent is also authorized by law to grant certain discretionary privileges in some cases, such as leaves for study or travel.

Legal Reference: Education Code
1293 Power to Contract with Certificated Employees
1294 Rights of Certificated Employees
1295 Power to Grant Leaves of Absence to
Non-Certificated Employees
11290 et seq. Staff, especially
11311 et seq. Classified County School Employees

Regulation
approved: December 7, 1983

Regulation
amended: May 14, 1997

Duties, Responsibilities, and Rights

The County Superintendent of Schools recognizes the importance of having adequate job descriptions for every employee. The County Superintendent shall direct appropriate staff to prepare and regularly update job descriptions for all classes of positions.

All employees shall fulfill the duties and responsibilities set forth in their job descriptions and shall comply with policies, administrative regulations, applicable employee agreements, and local, state, and federal laws.

The County Superintendent expects employees to maintain the highest ethical standards. Employee conduct should enhance the integrity of the County Office of Education and the goals of the educational program.

Employees are encouraged to accept as guiding principles the codes of ethics published by professional associations to which they may belong.

Civil and Legal Rights

1. The personal life of an employee is not an appropriate concern for the attention of the County Superintendent of Schools except as it may directly prevent the employee from properly performing his/her duties or responsibilities.
2. Employees shall be entitled to full rights of citizenship. The religious or political activities of any employee or the lack thereof shall not be grounds for any discipline or discrimination with respect to the professional employment of such employees, providing such activities do not violate County Office of Education policies, administrative regulations, or local, state, or federal laws.
3. No employee, employee association representative, member of any employee organization or any other participant in a grievance procedure shall suffer reprisals in any way or suffer any professional disadvantage by reason of participation in the processing of any grievance.
4. No employee shall suffer any professional disadvantage by reason of the employee's membership or nonmembership in an employee association or participation in its lawful activities.

Duties, Responsibilities, and Rights (Continued)

Legal Reference: Education Code
200-261, 7050-7057, 35020, 44040, 44662, 44801, 44805-44807,
45100.5-45108.7, 45109, 45256.5
California Code of Regulations, Title 5
30-31, 5530, 5550-5552, 5570, 80331-80338
Government Code
3543.5, 12940 et seq.
Title VIII, Civil Rights Act as amended by Title IX, Equal
Employment Opportunity Act

Policy
adopted: December 7, 1983

Policy
amended: May 14, 1997

Personnel - All PersonnelRecruitment and Selection

It is expected that administrative staff members will engage in fair and sound personnel practices in the recruitment and appointment of all County Office of Education employees. The administration is responsible for establishing recruitment, selection and appointment procedures to implement this policy.

Legal Reference Education Code
90 Definition: "Certificated" and "Certified" have the same
 meaning
1290 et seq. Staff (Employment by County Superintendent of
 Schools)
44006 Certificated Person

Administrative Code, Title 5
30-31 Affirmative Action Employment Program

Labor Code
1420 Unlawful Employment Practices

Title VII, Civil Rights Act as amended by Title IX,
Equal Employment Opportunity Act

Policy
adopted: December 7, 1983

Policy
amended: May 14, 1997

Personnel - All PersonnelRecruitment and Selection

Recruitment Procedures

A. General

The Director of Human Resources has the responsibility to conduct the recruitment process. Every effort shall be made to attract the best qualified for employment with the Contra Costa County Office of Education. Job announcements are to reflect qualification standards that are job related.

Distribution of job announcements is to be in accordance with existing employee organization agreements; it is to be within, as well as beyond, the boundaries of Contra Costa County. Efforts to attract qualified minorities, women, and other protected groups are to be part of this recruitment process.

B. Personnel Requisition

A properly completed and approved (by appropriate Assistant/Deputy Superintendent) personnel requisition form represents the initial step in the recruitment procedure. If the personnel requisition is for a new position, a description of the job duties are to be included with the completed form.

C. Job Announcement

A job announcement is prepared by the Human Resources Department following receipt of the personnel requisition. Distribution of this announcement is made to numerous agencies/locations and is to reflect the initial step in our Affirmative Action efforts to attract qualified members of protected groups.

Selection Procedures

A. General

The Director of Human Resources has the responsibility to ensure there is uniformity and consistency in the screening and interviewing process. Written and/or performance tests may be utilized in this process.

Efforts are to be made to ensure all selection procedures are job related and that screening and interview panel members have a clear understanding of Affirmative Action and Equal Employment Opportunity legislation. Inclusion of minorities, women, and other protected group members on screening and interview panels is to be followed when possible.

Recruitment and Selection (Continued)

B. Application Screening Process

Following receipt of properly completed applications during the required posting period, the Human Resources Department will coordinate arrangements for an application screening committee to review all applications received. This committee is normally composed of three members and is to identify a limited number of candidates who are determined to be the best qualified.

C. Interview Panel

A team of three people will normally be identified to sit on an interview panel to evaluate the qualifications of candidates previously identified by the screening committee for further consideration. The Human Resources Department coordinates the arrangements for this process.

D. Qualified Candidates

The interview panel is to (1) determine which candidates are qualified (or not qualified), and (2) rank those determined to be qualified by assigning a numerical score ranging from 70-100. No predetermined number of qualified candidates is to be made in this regard.

E. Employment List

Following the interview process, the Human Resources Department prepares a list of all candidates considered to be qualified by the interview panel.

F. Employment References

Employment references are to be checked prior to the final selection of a candidate to fill a vacant position. Employment Reference check forms serve as a guideline in checking references and will be provided to the administrator making the final selection.

G. Final Selection

The final selection of a qualified candidate to fill a budgeted position is normally made by the appropriate program administrator. Approval of the County Superintendent of Schools is required in the final selection of an individual to fill a management position. The County Board of Education will be informed of the final selection of an individual, including a transfer of a Management employee, to fill a Management position (see Policy 4400). The official, written offer of employment to all individuals is extended by the Director of Human Resources.

Personnel - All Personnel

Recruitment and Selection (Continued)

For other information related to recruitment and selection of personnel see the current employee agreements with Contra Costa County Schools Education Association/CTA/NEA and Public Employees Union, Local No. 1. These agreements are appended to this Policy/Administrative Regulation Manual.

Regulation
approved: December 7, 1983

Regulation
amended: May 14, 1997

Affirmative Action: Recruitment and Selection

The County Superintendent believes that an Affirmative Action Employment Program means planned activities designed to seek, hire, and promote protected groups. The Affirmative Action Program is a conscious, deliberate step taken by each hiring administrator to assure equal employment opportunity for all staff, both certificated and classified, including management. Affirmative Action programs require additional efforts to recruit, employ, and promote members of groups formerly excluded at the various levels of responsibility who are qualified, or who may become qualified through appropriate training or experience within a reasonable length of time. Affirmative Action requires imaginative, energetic, and career advancement opportunities which will result in increased representation of protected groups at all levels within the organization and within management.

The County Superintendent believes in equal opportunities for all persons without prejudice in regard to race, color, creed, sex, religion, ancestry, national origin, age over 40, pregnancy, actual or perceived sexual orientation, marital status, or non-job-related mental or physical disability or medical condition, as required by law. It is the policy of the County Office of Education not to discriminate against physically or mentally disabled persons who, with reasonable accommodation, can perform the essential functions of the job in question. The County Superintendent encourages the administration to give priority to the goal of recruiting, selecting, and employing qualified protected group members to the end that the County Office employees will proportionately mirror the labor force composition of this county.

The County Superintendent has established a separate policy statement on nondiscrimination (see Policy 4118.11).

An annual report from the County Office of Education will be presented in a public meeting of the County Board of Education concerning the extent to which the affirmative action goals are being achieved.

Legal Reference:	Education Code
44100-44105	Affirmative Action Employment
44830	Employment Restricted to Persons Possessing Prescribed Qualification; Public Policy of State Against Discrimination on Basis of Race, etc.
44830.5	Assignment of Certificated Employees to District; Strict Ethnic Ratio Forbidden Administrative Code, Title 5 30-31 Affirmative Action Employment Programs Title VI and VII, Civil Rights Act as Amended by Title IX, Equal Employment Opportunity Act Age Act, Equal Pay Act & Rehabilitation Act

Policy
adopted: November 3, 1982

Policy		
amended:	December 7, 1983	October 9, 1996
	June 25, 1986	May 14, 1997
	June 9, 1993	

Affirmative Action: Recruitment and Selection

The Director of Human Resources may prepare documents such as the following:

1. Materials for inservice workshops.
2. A tabulation of data regarding present staff composition with respect to race and sex for both professionals and nonprofessionals.
3. Data on staff turnover rates, expected retirement, opportunities for career advancement and projected staff needs.
4. An analysis of the community labor market for potential applicants for positions in the district.
5. A comparison of employment status with the demographic data on community labor market.
6. A timetable and list of goals for implementation of the Affirmative Action Plan.

The Director of Human Resources is also responsible for:

1. Establishing and maintaining healthy relationships with placement officers around the country who counsel and help place protected group members.
2. Maintaining a sound public relations program that welcomes protected group members as professional staff members.
3. Updating application forms to eliminate all discriminatory questions.

Evaluation and Monitoring of Affirmative Action Plan

Evaluation and monitoring of the Affirmative Action Plan will be accomplished on a continuing basis. The monitoring official will be the Director of Human Resources.

Administrators and supervisors with responsibility for hiring and promoting shall have, as part of their regular performance evaluation (or consideration for promotion), an assessment of their success in meeting the County Office's commitment to the Affirmative Action Plan.

Employment and Placement

Procedures relating to employment and placement will be periodically reviewed and amended as necessary to ensure non-discrimination.

Affirmative Action: Recruitment and Selection (Continued)

Administrator's and Supervisor's Roles in Equal Employment Opportunity: Interviewing and Hiring

This section provides guidelines to help in interviewing and selecting candidates for positions with the County Office of Education. Each guideline is followed by a brief explanation of the reasons certain actions or bases for decisions may be considered discriminatory. The most important factor in any hiring decision is that the applicant be able to do the job for which he/she is applying. What is required is the removal of artificial, arbitrary, and unnecessary barriers to employment when the barriers operate invidiously to discriminate on the basis of racial or other impermissible classifications.

1. Educational Requirements

Guideline: An employer must be prepared to demonstrate why a job requires the employee to have a specified level of education.

Explanation: In geographic areas where there are significant differences in the average educational levels of minorities and non-minorities, the employer who requires a specified level of educational attainment for certain positions automatically eliminates from consideration a disproportionate percentage of minorities. Consequently, unless the employer can demonstrate why the educational requirement is needed, the Equal Employment Opportunity Commission (EEOC) is likely to find it unlawful. The EEOC and the courts will accept evidence from an employer that a specified level of education is necessary for satisfactory job performance or that there is a clear and close relationship between educational level and performance on the job.

2. Family Status: Pregnancy and Dependents

Guideline: Applicants should not be questioned by interviewing supervisors about their dependents, family plans or a condition of pregnancy.

Explanation: The Supreme Court has held that women with pre-school children must be hired on the same basis as men with small children unless the employer can show that this practice would seriously affect the operation. Employers may not presume that child care is the responsibility of the woman and that a working mother's reliability will be more affected by child care problems than a working father's.

Regarding pregnancies, the EEOC has held that any written or unwritten employment policy or practice which discriminates against applicants because of pregnancy is in violation of Title VII.

Affirmative Action: Recruitment and Selection (Continued)

3. Arrest and Conviction Records

Guideline: An employer may not automatically disqualify an applicant from employment consideration because the applicant has a police record.

Explanation: There is evidence that specific protected group members are arrested and convicted more frequently than non-protected group members. Therefore, to use an applicant's police record as a rigid standard of employment eligibility could automatically disqualify a disproportionate percentage of protected group members. For this reason, the EEOC, with court approval, considers such policies in violation of Title VII, unless an employer can demonstrate "business necessity" for retaining the policy. The EEOC suggests that employers handle the matter of an applicant's police record on a case-by-case basis, considering the type of charge, how long ago the incident occurred, the applicant's age at the time of the incident, whether the charge resulted in a conviction, and the applicant's subsequent behavior.

In the County Office of Education, authority to make this kind of determination rests with the Director of Human Resources. Prospective employees should not be questioned about police records except by authorized personnel representatives.

4. Accommodation to Religious Beliefs

Guideline: Supervisors are expected to make some accommodation to the religious needs of applicants when this will not have a serious effect on operations.

Explanation: Under Title VII, employers are obligated to make "reasonable accommodations to the religious needs" of their employees, where such accommodations do not force a serious hardship on the employer. The "religious need" of employees could include a required mode of dress, time off for Sabbath observance or inability to work on certain prescribed days for religious reasons.

5. Citizenship

Guideline: If the applicant is not a United States citizen, he/she must possess a permanent visa to be eligible for employment.

Explanation: The courts have held that it is not unlawful under Title VII for an employer to require U.S. citizenship as a condition of employment if the requirement is established for sufficient reason (e.g., security) and it is not intended to restrict the employment of minorities.

Affirmative Action: Recruitment and Selection (Continued)

However, the County Office of Education does, as a matter of employment policy, require U.S. citizenship or a permanent visa as a condition of employment.

6. Manner of Speaking

Guideline: It is unlawful to reject an applicant because of the applicant's foreign accent or lack of fluency in English unless either condition will unquestionably affect satisfactory job performance.

Explanation: The EEOC will find unlawful the rejection of an applicant because of his/her manner of speaking if the manner of speech is peculiar to the applicant's race or national origin. This guideline is applied most often when applicants speak with a foreign accent.

However, it also applies to applicants who have difficulty with English and to jobs for which fluency in English is a factor in satisfactory performance.

Legal Reference: Education Code
44100 - 44105 Affirmative Action Employment
44830 Employment Restricted to Persons Possessing
Prescribed Qualifications; Public Policy of State
Against Discrimination on Basis of Race, etc.
44830.5 Assignment of Certificated Employees to
District; Ethnic Ratio

California Administrative Code, Title 5
30-31 Affirmative Action Employment Programs

Title VI and VII, Civil Rights Act, as amended by Title IX,
Equal Employment Opportunity Act
Executive Order 11246
Equal Pay Act of 1963

Regulation
approved: December 7, 1983

Regulation
amended: October 9, 1996
May 14, 1997

Personnel - All Personnel

Legal Status Requirement

The County Superintendent shall hire only citizens and aliens who are lawfully authorized to work in the United States. Employment practices shall not discriminate on the basis of citizenship status or national origin, nor shall they discriminate against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

All new employees shall show appropriate documents which certify that they are legally eligible to work in the United States, as required by law.

Legal Reference United States Code, Title 8
 1324 (a)(b) Immigration Reform and Control Act of 1986 and
 Immigration Act of 1990

Code of Federal Regulations, Title 8
274(a) Control of Employment of Aliens

Regulation
approved: June 9, 1993

Regulation
amended: May 14, 1997

Personnel - All PersonnelAppointment and Conditions of Employment

The sole authority for the appointment of employees of the County Office of Education is vested in the County Superintendent. In the case of filling a management position, the County Board of Education will be informed of the final selection of an individual, including a transfer of a management employee.

Legal Reference: Education Code
1293 Power to contract with certificated personnel
1311 Employment of persons to positions not requiring
certification qualifications
1312 Separation of county employees of County Superintendent of
Schools

Policy
adopted: December 7, 1983

Policy
amended: May 14, 1997

Personnel - All Personnel

Appointment and Conditions of Employment

A. The Director of Human Resources extends the official written offer of employment to individuals selected by the appropriate school administrator. This action normally follows the "informal offer of employment" made by the program administrator or supervisor.

B. Notice of Personnel Action

A properly completed personnel action form is required to place a new employee on the payroll. This document should be prepared in advance of the employee's first day of employment. It must identify the name, address, birthdate, job title, work location, budget unit, etc. of the new employee.

This action form is normally initiated by a staff member in the work unit and routed to the Human Resources Department; however, members of the Human Resources staff are available to assist in processing this essential document.

Regulation
approved: December 7, 1983

Regulation
amended: October 9, 1996
May 14, 1997

Personnel - All PersonnelTemporary and Part-Time Personnel

The County Superintendent of Schools has the responsibility and the power to employ temporary and part-time personnel as may be needed to conduct the business of the County Office of Education, within the constraints of the approved budget.

Legal Reference:	Education Code
	1293 Power to Contract with Certificated Employees
	1294.5 Employment of Certificated Employees (categorically funded programs)
	1311 Employment of Persons to Positions Not Requiring Certification Qualifications
	44919 Classification of Temporary Employees
	44924 re power of Board (County Superintendent) to Employ Certificated Employees on Less than Full Time
	45103 Classified Service in Districts Not Incorporating the Merit System

Policy
adopted: December 7, 1983

Policy
amended: May 14, 1997

Personnel - All Personnel

Oaths

Before taking up their duties, employees of the County Superintendent of Schools must take the oath or affirmation required by law.

The County Superintendent of Schools or his/her designee shall administer this oath when employees are hired. Legally employed aliens shall be exempt from this requirement.

All public employees are disaster service workers. In the event of natural, manmade or war-caused emergencies that result in conditions of disaster or extreme peril to life, property, and resources, all employees of the County Superintendent of Schools are subject to disaster service activities as assigned to them by their supervisors.

Legal Reference: Education Code
60, 44334, 44354
Government Code
3100-3109
Constitution of the State of California
Article 20, Section 3 Oath of Office

Regulation
approved: December 7, 1983

Regulation
amended: May 14, 1997

Personnel - All PersonnelHealth Examinations

The County Superintendent of Schools shall ensure that new employees comply with all health examination requirements of California law. Evidence of freedom from tuberculosis is required for all new employees and continuing employees under provisions of Education Code 49406. Employees may be required to pass a physical and/or psychological examination any time such an examination appears necessary to preserve the health and welfare of County Office employees and students, or to furnish medical proof of physical or mental ability to perform satisfactorily the assigned duties of an individual's position. Applicable provisions of existing labor agreements also apply relative to health examination requirements for County Office of Education employees.

Legal Reference: Education Code

- 44839 Medical Certificate; Periodic Medical Exam
- 44839.5 Requirements for Employment of Retirants
- 44932 Grounds for Dismissal of Permanent Employee
- 44942 Suspension or Transfer of Certificated Employee on Ground of Mental Illness, Psychiatric Examination; Mandatory Sick Leave
- 45122 Physical Examinations
- 49406 Examination for Tuberculosis

Policy

adopted: June 24, 1992

Policy

amended: May 14, 1997

Personnel - All PersonnelHealth ExaminationsNew Employees

Upon initial employment, a new employee shall place on file a certificate from a physician licensed under the Business and Professional Code indicating that a tuberculosis examination within the past sixty (60) days shows that he/she is free from active tuberculosis. The tuberculosis examination shall consist of an approved intradermal tuberculin test. An X-ray of the lungs shall be required only if the intradermal tuberculin test is positive (Education Code 49406).

A new employee previously employed in another educational agency may fulfill tuberculosis examination requirements in either of the following ways:

- By producing a certificate showing the employee was examined within the last two (2) years and found free of active tuberculosis, or
- By having the last employing agency verify it has on file a current certificate reflecting the above-outlined information.

When a new employee in a position requiring certification has not previously been employed in such a position in California, he/she must have a medical certificate on file with the County Office of Education. The certificate will state that the employee is free from any disabling disease that would render him/her fit to instruct or associate with children. The certificate form may be obtained from the Human Resources Department. It must be filled out by a licensed physician and returned to the Human Resources Department by the physician. The medical examination referred to in the certificate must have been conducted within six (6) months of the time the certificate is filed (Education Code 44839).

The cost of pre-employment examinations shall be borne by the applicant (Education Code 44839, 45122, and 49406).

If the new employee is pregnant at the time of employment, the requirement for a test for active tuberculosis may be delayed, by action of the County Superintendent, for a period not to exceed 60 days following termination of the pregnancy.

Personnel - All Personnel

Health Examinations (Continued)

When an employee's religious belief prevents him/her from undergoing a physical examination, the County Office shall follow provisions of Education Code 49406(g).

Continuing Employees

Continuing employees who test negative on tuberculin skin tests shall undergo a tuberculosis examination at least once every two (2) years (Education Code 49406). Tuberculosis tests and other medical examinations required by the County Superintendent of Schools will be administered by a physician licensed under the Business and Professional Code and shall be provided at County Office of Education expense (Education Code 44839, 45122, and 49406).

Legal References: Education Code
49406 Examination for Tuberculosis
44839 Medical Certificate; Periodic Medical Examination
45122 Physical Examinations
CCC Health Services Department, Public Health Division
Communicable Disease Control Revised TB Screening Guidelines

Regulation
approved: December 8, 1983

Regulation
amended: June 24, 1992
December 7, 1994
May 14, 1997

Personnel - All PersonnelPersonnel Files

Personnel files shall be kept for all current employees and shall include information usually expected in good human resources administration. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee, the Superintendent, and those authorized by the Superintendent or designee for lawful purposes.

Ratings, reports, or records shall not be available for inspection by employees if they were obtained prior to the employment of the person involved, prepared by identifiable application/interview panel members, or obtained in connection with a promotional examination.

Except for the ratings, reports, or records specified above as not open to inspection, employees shall have the opportunity to comment on any derogatory information that is placed in their personnel files. Provisions of this policy statement shall be consistent with applicable provisions of existing labor agreements.

Legal Reference: Education Code
44031 Personnel File Contents and Inspection
44663 Performance Appraisals and Related Materials

Policy
adopted: June 24, 1992

Policy
amended: May 14, 1997

Personnel - All Personnel

Personnel Files

Placement of Material in Personnel Files

All material placed in a personnel file shall be processed through the Human Resources Department where personnel files are maintained. The placement of any material of a derogatory nature in an employee's personnel file shall be in accordance with applicable provision of the Education Code and existing labor agreements.

Management personnel with a valid "right to know" or "need to know" may, with the Superintendent's or designee's authorization, review an employee's personnel file. The contents of all personnel files shall be kept in strictest confidence. Personnel files are to be reviewed in the Human Resources Department where the files are maintained unless otherwise approved through the Superintendent or designee responsible for maintaining files.

Employees wishing to inspect their personnel file may do so in accordance with applicable provision of this regulation and existing labor agreements.

Legal Reference: Education Code
44031 Personnel File Contents and Inspection

Regulation
approved: June 24, 1992

Regulation
amended: October 9, 1996
May 14, 1997

Personnel - All Personnel

Orientation

The final step in the recruitment, selection, and employment process is the orientation of the new employee. It is most preferable to have this orientation process take place during the first half of the first day a new employee starts work; however, if this is not possible, it should occur within the first few days of employment.

The Human Resources Department normally conducts the initial orientation phase for a new employee in explaining compensation and employee benefits and in placing the employee on the payroll. This initial orientation process is followed by a similar orientation process at the work site where job assignments, work schedules, parking arrangements, and related matters are discussed.

Regulation
approved: December 7, 1983

Regulation
amended: October 9, 1996
May 14, 1997

Personnel - All PersonnelEmployment of Relatives

It is the policy of the County Superintendent of Schools to employ and to assign employees based on merit principles. The overall intent is directed to the placement of the best qualified individual for each position opening. In addition, personnel selection and job placement practices must preclude intentional and unintentional discrimination due to any factors including favoritism based on family relationships.

Management staff responsible for the selection and/or assignment of employees may deny employment to a relative of any current employee based on individual assessment of the work situation. Such decision shall be based upon the best interests of the County Office of Education and for business and professional reasons, to assure proper supervision, maintain morale, security, and to avoid conflict of interest.

If employees of the County marry, the responsible management staff will assess the individual work situation. Reasonable effort will be made to assign job duties so as to minimize the problems of supervision, safety, security, and morale. Close relatives shall be defined as mother, father, grandmother, grandfather, spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee or any relative living in the immediate household of the employee.

Legal Reference: Government Code 12940 - Employers, labor organizations, employment agencies and other persons; unlawful employment practice; exceptions

Regulation
approved: February 6, 1980

Regulation
amended: September 24, 1987
June 24, 1992
May 14, 1997

Personnel - All Personnel

NON-USE OF TOBACCO PRODUCTS IN COUNTY OFFICE OF EDUCATION FACILITIES AND VEHICLES

The County Superintendent of Schools recognizes the documented health hazards in the use of tobacco products and the rising need to control or eliminate the use of these products in public buildings and areas.

The County Superintendent prohibits the use of products containing tobacco and/or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and electronic nicotine delivery systems, such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products at all times on County Office of Education property and in County Office of Education vehicles. This prohibition applies to all employees, students, visitors, and other persons at any facility and on grounds owned, leased, or rented by or from the County Office of Education. This applies to any meeting, County Office of Education sponsored activity or event. This section does not prohibit the use or possession of prescription products, or other cessation aids such as nicotine patches or nicotine gum.

Legal Reference: PUBLIC EMPLOYMENT RELATIONS BOARD
Ruling No. 750, 13 PERC 20147

EDUCATION CODE
48901

HEALTH AND SAFETY CODE
24167, 390021

Policy
adopted: September 14, 1994

Policy
amended: May 14, 1997
December 11, 2013

Personnel - All Personnel

NON-USE OF TOBACCO PRODUCTS IN COUNTY OFFICE OF EDUCATION FACILITIES

Smoking and the use of all products containing tobacco and/or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and electronic nicotine delivery systems, such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products are prohibited within any County Office of Education facility effective July 1, 1991. In addition, smoking and the use of tobacco products are prohibited on school grounds when students are in the general vicinity.

Supervisory personnel are directed to ensure compliance with this regulation and to communicate this restriction to all employees under their respective supervision. "Tobacco-Use is Prohibited" signs should be posted where appropriate to communicate this restriction.

The Employee Assistance Program (EAP) may be utilized by any employee who wishes to enroll in a smoking cessation program. The Benefits Assistant in the Human Resources Department can be contacted for information on the EAP.

Legal Reference: PUBLIC EMPLOYMENT RELATIONS BOARD
Ruling No. 750, 13 PERC 20147

Education Code 48901(b) - Smoking or use of tobacco or nicotine products prohibited; steps to discourage smoking

Regulation
approved: June 27, 1991

Regulation
amended: October 9, 1996
May 14, 1997
December 11, 2013

Personnel - All Personnel

Resignation

Any regular County Office of Education employee wishing to resign should provide a minimum of two weeks advance notice in writing to his/her immediate supervisor. Where an employee is certificated and works under an employment contract, approval to be released from the contractual obligation must be obtained in advance of any resignation statement. Resignations of a certificated teaching/support staff employee during the contracted school year shall be subject to provisions of Section 44930 of the Education Code.

If a certificated employee leaves the employ of the County Office during the school year without obtaining acceptance of his/her resignation, or leaves before the effective date of the resignation, the Superintendent or designee is directed to report this fact, with supporting evidence, to the Commission for Teacher Preparation and Licensing. The Commission may suspend the credentials of teachers who leave the County Office in this manner.

This section provides that acceptance by the Employer of a resignation statement shall not be later than the close of the school year during which the resignation has been received.

Legal Reference: Education Code
44930 Acceptance and Date of Resignation
44420 Failure to Fulfill Contract

Regulation
approved: December 7, 1983

Regulation
amended: December 11, 1996
May 14, 1997

Personnel – All Personnel

Sexual Harassment

UNLAWFUL HARASSMENT

In accordance with applicable law, the County Superintendent prohibits sexual harassment and harassment because of race, color, national origin, ancestry, religion, creed, physical or mental disability, marital status, medical condition, sex, sexual orientation, age, or any other basis protected by federal, state, or local law. All such harassment is unlawful and will not be tolerated.

1. Sexual Harassment Defined

Applicable state and federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to the conduct is made a term or condition of employment; or (2) submission to or rejection of the conduct is used as basis for employment decisions affecting the individual; or (3) the conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive working environment. This definition includes many forms of offensive behavior. The following is a partial list:

- a. Unwanted sexual advances;
- b. Offering employment benefits in exchange for sexual favors;
- c. Making or threatening reprisals after a negative response to sexual advances;
- d. Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters;
- e. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, or comments about any employee's body or dress;
- f. Verbal sexual advances or propositions;
- g. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, or suggestive or obscene letters, notes, or invitations;
- h. Physical conduct such as touching, assault, or impeding or blocking movements; and

Personnel – All Personnel

Sexual Harassment

UNLAWFUL HARASSMENT (continued)

1. Sexual Harassment Defined (continued)

- i. Retaliation for reporting harassment or threatening to report harassment.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful whether it involves coworker harassment, harassment by a Supervisor, or by persons doing business with or for the Contra Costa County Office of Education.

2. Other Types Of Harassment

Prohibited harassment on the basis of race, color, national origin, ancestry, religion, physical or mental disability, marital status, medical condition, sexual orientation, age, or any other protected basis, includes behavior similar to sexual harassment, such as:

- a. Verbal conduct such as threats, epithets, derogatory comments, or slurs;
- b. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- c. Physical conduct such as assault, unwanted touching, or blocking normal movement; and
- d. Retaliation for reporting harassment or threatening to report harassment.

3. County Office's Complaint Procedure

The County Office's complaint procedure provides for an immediate, thorough, and objective investigation of any claim of unlawful or prohibited harassment, appropriate disciplinary action against one found to have engaged in prohibited harassment, and appropriate remedies for any victim of harassment. A claim of harassment may exist even if the employee has not lost a job or some economic benefit.

If you believe you have been harassed on the job, or if you are aware of the harassment of others, you should provide a written or verbal complaint to your Supervisor or to the County Superintendent or Designee as soon as possible. Your complaint should be as detailed as possible, including the names of individuals involved, the names of any witnesses, direct quotations when language is relevant, and any documentary evidence (notes, pictures, cartoons, et cetera).

Personnel – All Personnel

Sexual Harassment

UNLAWFUL HARASSMENT (continued)

3. County Office’s Complaint Procedure (continued)

Applicable law also prohibits retaliation against any employee by another employee or by the County Office for using this complaint procedure or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by a governmental enforcement agency. Additionally, the County Superintendent will not knowingly permit any retaliation against any employee who complains of prohibited harassment or who participates in an investigation.

All incidents of prohibited harassment that are reported will be investigated. The County Office will immediately undertake or direct an effective, thorough, and objective investigation of the harassment allegations. The investigation will be completed and a determination regarding the reported harassment will be made and communicated to the employee who complained and to the accused harasser(s).

If the County Office determines that prohibited harassment has occurred, the County Office will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of prohibited harassment is substantiated, appropriate disciplinary action, up to and including discharge, will be taken. Whatever action is taken against the harasser will be communicated to the employee who complained.

4. Liability For Harassment

Any employee of the County Superintendent, whether a coworker or Supervisor, who is found to have engaged in prohibited harassment is subject to disciplinary action, up to and including discharge from employment. Any employee who engages in prohibited harassment, including any Supervisor who knew about the harassment but took no action to stop it, may be held personally liable for monetary damages. The County Superintendent does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, the County Superintendent reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy.

Personnel – All Personnel

Sexual Harassment

UNLAWFUL HARASSMENT (continued)

5. Additional Enforcement Information

In addition to the County Office's internal complaint procedure, employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and prosecute complaints of unlawful harassment in employment. Employees who believe that they have been unlawfully harassed may file a complaint with either of these agencies. Both the EEOC and the DFEH serve as neutral fact finders and attempt to help the parties voluntarily resolve disputes. A charge must be filed with the EEOC within 300 days of the alleged harassment.

For more information, contact the Director of Human Resources. You may also contact the nearest office of the EEOC or DFEH, as listed in the telephone directory.

Legal Reference: Education Code
212.5, 220, 230, 231.5
Government Code
12920, 12940, 12950
Federal Legislation
Civil Rights Act of 1964, Title II
Equal Pay Act of 1963
Title IX, Educational Amendments of 1972, as amended by the
Civil Rights Restoration of 1987

Regulation
approved: November 15, 1990

Regulation
amended: May 14, 1997
 June 5, 2002

Personnel-All Personnel

Reasonable Accommodation - Americans with Disabilities Act

The County Office of Education is an equal opportunity employer and makes employment decisions on the basis of individual merit. Agency policies prohibit unlawful discrimination based on race, color, creed, sex, marital status, age, national origin, physical handicap, disability, medical condition or ancestry, or any other condition made unlawful by federal, state, and/or local laws.

Because of its commitment to complying with all applicable laws providing equal employment opportunities to qualified individuals, unlawful discrimination by any employee is prohibited. See Policy 4118.11 regarding Nondiscrimination.

To comply with the provisions of the Americans with Disabilities Act (ADA) which ensure equal employment opportunities to qualified individuals with permanent disabilities, the County Office is committed to make reasonable accommodation for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result against the employer.

Any applicant or employee requiring accommodation in order to perform the Essential Functions of the job shall submit the request for such accommodation informally to the site administrator or manager. If the accommodation cannot be made at the site because it would impose undue hardship or because of lack of funds, the site administrator or manager shall ask that the request for accommodation be submitted, in writing, to the Human Resources Department.

The County Office will conduct an investigation to identify any barriers that make it difficult for the applicant or employee to have an equal opportunity to perform the Essential Functions of his/her job. The agency will then identify possible accommodation, if any, that will help eliminate the limitation. If the accommodation is reasonable and does not impose undue hardship, the agency is committed to make reasonable necessary accommodation.

Reasonable accommodation may consist of a modification or adjustment to a job, a work environment or customary work practice, and may include, but not be limited to:

1. job restructuring;
2. part-time or modified work schedules;
3. reassignment to a vacant position;
4. acquisition or modification of equipment or devices;
5. appropriate adjustment or modifications to examinations;
6. provision of qualified readers or interpreters;
7. use of accrued paid leave or unpaid leave for necessary treatment;
8. reserved parking spaces for persons with mobility impairment.

Personnel - All PersonnelReasonable Accommodation - Americans with Disabilities Act (Continued)

Upon receiving a request to reasonably accommodate the physical or mental disability of an employee or a qualified job applicant, the appropriate Human Resources Department staff member shall:

1. determine the Essential Functions of the job;
2. consult with the employee or the applicant to determine his/her precise limitations and how they may be mitigated;
3. with the employee or applicant's help, review the request for accommodation, identify potential means for providing accommodation, and assess their effectiveness; and
4. if possible, develop a plan for the accommodation that would satisfy the employee or applicant's concerns without imposing undue hardship on the agency.

The determination of whether an individual poses a significant risk of substantial harm to others shall be based on objective, factual evidence, taking into consideration the risks, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of potential harm. (Code of Fed. Regs., Title 29, Section 163.2)

The Human Resources Department staff may confer with the site administrator, medical practitioners, and other County Office staff before making a final recommendation. The Human Resources Representative will notify the employee or the applicant of the results of his/her determination in each case.

Reasonable Accommodation Committee

The County Office may elect to appoint a Reasonable Accommodation Committee to work with the Human Resources Department staff in reviewing and assisting in the development of appropriate plans to reasonably accommodate an employee or qualified job applicant who has requested an adjustment in work duties or environment because of a known physical or mental disability. The composition of this committee may change, depending on the particular case at hand. Members may include:

1. Program Director or designee
2. Site Administrator or Manager
3. Medical Advisor

Personnel - All Personnel

Reasonable Accommodation - Americans with Disabilities Act (Continued)

4. A certificated employee familiar with the Essential Functions of the position being reviewed
5. A classified employee familiar with the Essential Functions of the position being reviewed
6. A bargaining unit representative

Committee members shall be selected on the basis of their personal knowledge and understanding of the issues at hand, including:

1. Specific functions and duties of the required position
2. The physical work environment
3. Available accommodations

At the Human Resources Department staff members' discretion, the employee or the applicant requesting accommodation may participate in or be excluded from committee meetings. If the employee or applicant is excluded from committee meeting, the Human Resources Department staff member shall communicate with him/her so that he/she has the opportunity to interact and contribute to the planning of the reasonable accommodation.

It will be the responsibility of the Human Resources Department staff member to take all necessary steps to ensure the utmost confidentiality of the information received related to medical conditions.

Appeal Process

In the event the employee or applicant is not satisfied with the decision of the Human Resources Department staff member and/or the Reasonable Accommodation Committee, the decision may be appealed in the following manner:

1. Appeals must be submitted in writing and be received no later than ten (10) working days from the date the original decision was made.
2. Appeals must be clear, concise statements of the reason for the appeal.

Personnel - All Personnel

Reasonable Accommodation - Americans with Disabilities Act (Continued)

3. Appeals must include a clear, concise statement of the specific remedy being sought.
4. All appeals will be submitted to the immediate supervisor of the employee or to the Director of Human Resources if a qualified applicant.
5. If the complaint is not settled at this level, within fifteen (15) working days from the date of receipt of the written appeal request, a written appeal may then be submitted to the County Superintendent.

The immediate supervisor, Human Resources Director, or County Superintendent (or designee) shall consult with the appropriate Human Resources Department staff member, and/or the Reasonable Accommodation Committee and review the appeal together with all available supporting documents that were reviewed to support the decision. All final appeal decisions made by the County Superintendent will be given to the employee or applicant within fifteen (15) working days from receipt of the appeal request.

Legal Reference: Americans with Disabilities Act Enacted July 26, 1992

Regulation
approved: January 26, 1994

Regulation
amended: May 28, 1997

Personnel - All Personnel

Codes of Ethics

The County Superintendent of Schools expects employees to maintain the highest ethical standards, to follow established policies and regulations, and to abide by state and national laws. Employee conduct should enhance the integrity of the County Office of Education and the goals of the educational program.

The County Superintendent of Schools encourages employees to accept as guiding principles the codes of ethics published by professional associations to which they may belong.

Legal Reference:

Code of Regulations, Title 5

80331 - 80338 Rules of Conduct for Professional Educators

Policy

adopted: April 13, 1994

Policy

amended: May 28, 1997

Personnel - All PersonnelPolitical Activities of Employees

Employees of the County Superintendent of Schools are encouraged to assume the full responsibility of citizens living in a democracy.

However, the County Superintendent of Schools believes that County Office employees have an obligation to prevent the improper use of agency time, materials, or facilities for political campaign purposes. It is not to be inferred from this prohibition that natural exchange of ideas and conversation among personnel regarding candidates or political issues is considered improper or illegal.

The Superintendent or designee shall provide administrative regulations concerning political activities on County Office property.

The Superintendent respects the right of County Office employees to engage in political activities on their own time. Like other citizens, they have the right to use facilities for meetings under the Civic Center Act. Such use shall, in no way, interfere with use of the facilities for County Office purposes.

When engaging in political activities, employees shall make it clear they are acting as individuals and not as representatives of the County Office of Education.

Legal Reference: Education Code
7050-7057 Political Activities of School
35174 Urging the Passage or Defeat of School Measures
40040-40047 Use of School Property for Public Purposes
51520 Prohibited Solicitations on School Premises

Policy
adopted: June 24, 1992

Policy
amended: May 28, 1997

Personnel - All Personnel

Political Activities of Employees

Applicable provisions of the Education Code regarding political activities of employees prohibit the following:

1. Conducting political activities on County Office property during duty hours.
2. Soliciting campaign support or contributions on County Office property during duty hours.
3. Using County Office equipment for the reproduction of campaign materials.
4. Posting or distributing campaign materials on County Office property.
5. Disseminating campaign materials through the County Office mail service or placing them in staff mailboxes.
6. Permitting the use of students to write, address, or distribute campaign materials.

Nothing in this regulation shall prevent the County Office of Education from disseminating information regarding school tax and/or bond elections as provided in Education Code Section 35174.

Personal Leave for Political Activities

Leaves of absence without pay for political activities may be granted for the purpose of being a candidate for political office or for holding political office upon proper request and mutual agreement.

Legal Reference: Education Code
7000-7007 Prohibition of Communist Party Membership
7050-7057 Political Activities of School
40040-40058 Use of School Property for Public Purposes

Regulation
adopted: June 24, 1992

Regulation
amended: May 28, 1997

Personnel - All PersonnelEmployees with Infectious Disease

The County Superintendent of Schools is concerned with the spread of infectious disease and encourages employees to be knowledgeable about this issue. Employees should inform the County Office of Education as soon as possible if an infectious disease is contracted which creates a physical or mental disability. The County Superintendent will develop appropriate regulations to address infectious disease.

Legal Reference: Civil Code
56-56.37 Confidentiality of Medical Information
Government Code
12900-12996 Fair Employment and Housing Act
Health and Safety Code
199.20-199.27 Mandated Blood Testing and
Confidentiality to Protect Public Health
Code of Regulations, Title 2
Rehabilitation Act of 1973
Americans with Disabilities Act

Policy
adopted: October 14, 1992

Policy
amended: May 28, 1997

Personnel - All PersonnelEmployees With Infectious Disease

The County Superintendent encourages each employee to inform the County Office as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The County Superintendent will reasonably accommodate the needs of such individuals.

The County Superintendent or designee may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness, or because the employee's illness significantly endangers his/her health or safety, or the health or safety of others.

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

When informed that an employee has a disabling infectious disease, the Superintendent or designee may request that the employee sign a release form to provide confidential medical information and records.

In determining a reasonable accommodation of the employee's condition, the Superintendent or designee may consult with public health officials or physicians with expertise in diagnosis and treatment of infectious disease. The Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and without posing significant health and safety risks to the employee or others.

The Superintendent or designee shall prepare a confidential report which includes his/her recommendation and the medical information upon which it is based. These recommendations shall take into consideration:

1. The nature of the disease and the probability of its being transmitted, including the nature, duration and severity of the risk.
2. The physical condition of the employee, including diagnosis, treatment, and prognosis of the condition.
3. The actual requirements of the employee's job and the expected type of interaction with others in the County Office setting.

Personnel - All PersonnelEmployees with Infectious Disease (Continued)

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regime or health which might affect his/her assignment.

The Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The County Office shall disclose medical record information only to the extent required or submitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence. Provisions of this administrative regulation shall be consistent with applicable provisions of existing labor agreements.

Legal Reference: Civil Code
56-56.37
Government Code
12900-12996
Health and Safety Code
199.20-199.27
Code of Regulations, Title 2
Rehabilitation Act of 1973
Americans with Disabilities Act

Regulation
approved: October 14, 1992

Regulation
amended: May 28, 1997

Personnel - All PersonnelExposure Control Plan For Bloodborne Pathogens

The County Superintendent of Schools is committed to the prevention of exposure to bloodborne pathogens, including the human immune deficiency virus (HIV) and hepatitis B virus (HBV).

The County Superintendent or designee shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace and shall establish a written exposure Control Plan designed to protect employees from possible infection due to contact with such viruses. In accordance with the agency's Exposure Control Plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

Legal Reference: California Code of Regulations, Title 8
3204 Access to Employee Exposure and Medical Records
5193 California Bloodborne Pathogens Standards

Code of Federal Regulations, Title 29
1910.1030 OSHA Bloodborne Pathogens Standards

Policy
adopted: January 26, 1994

Policy
amended: May 28, 1997

Personnel - All PersonnelExposure Control Plan For Bloodborne Pathogens

The County Superintendent is committed to compliance with the specific requirements of the OSHA standard for the prevention of exposure to bloodborne pathogens.

Definitions

Occupational Exposure means "reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties." (Title 8, Section 5193(b))

Exposure Incident means "a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties." Parenteral contact means "piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions." (Title 8, Section 5193(b))

Exposure Control Plan

Components of the Plan include the following pursuant to Title 8, Section 5193(c):

1. Determination of which employees have occupational exposure to blood or other potentially infectious materials.
2. A description of the schedule and method for implementing exposure control requirements, including but not limited to:
 1. universal precautions;
 2. engineering and work practice controls;
 3. personal protective equipment;
 4. housekeeping schedules;
 5. Hepatitis B vaccination;
 6. post-exposure evaluation and follow-up;
 7. hazard communication including labels, signs, & training;
 8. maintenance of training and medical records.
3. Procedures for evaluating the circumstances surrounding exposure incidents.

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures affecting occupational exposure; when new or revised employee positions are established; to document exposure incidents which have occurred since the previous update.

Personnel - All PersonnelExposure Control Plan For Bloodborne Pathogens (Continued)

The Exposure Control Plan for the County Office shall be accessible to all employees. It also shall be made available to the Chief or Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or his/her designee, upon request for examination and copying. (Title 8, Section 5193 (c))

Exposure Determination

The COE's exposure determination shall be made without regard to the use of personal protective equipment and shall include:

1. all job classifications in which all employees have occupational exposure to bloodborne pathogens;
2. job classifications in which some employees have occupational exposure;
3. all tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs and which are performed by employees listed in item #2 above. (Title 8, Section 5193 (c))

Hepatitis B Vaccination

Hepatitis B vaccinations shall be offered at no cost to those employees identified to have high occupational risk for exposure to blood and other potentially infectious materials. Employees who decline to accept the vaccination shall sign the hepatitis B declination statement as required by law. (Title 8, Section 5193(f))

Protective Equipment

The COE shall provide appropriate personal protective equipment at no cost to the employee. The COE shall maintain, repair, make accessible, and require employees to use and properly handle protective equipment. (Title 8, Section 5193 (d))

Information and Training

The COE shall provide a training program as specified by law to all employees in job classifications which have been determined to have some degree of occupational exposure. This program shall be offered at the time of initial assignment, annually thereafter, and whenever a change of tasks or procedures affect the employee's potential exposure.

Personnel - All PersonnelExposure Control Plan For Bloodborne Pathogens (Continued)**Exposure Incidents: Post-evaluation and Follow-up**

All exposure incidents must be reported as soon as possible to the Superintendent or his/her designee. Following a report of an exposure incident, the COE shall provide the exposed employee with a confidential medical evaluation and follow-up, as required by law. The agency shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. All unvaccinated employees involved in an incident where the presence of blood or other potentially infectious material is present shall be offered the full hepatitis B vaccination series no later than 24 hours following the exposure incident. (Title 8, Section 5193 (f))

Records

Medical and training records shall be kept in accordance with law. Medical records shall be maintained for the duration of employment plus thirty (30) years. Training records shall be maintained for three (3) years from the date of training. (Title 8, Section 5193 (h))

An employee's records shall be made available to that employee and to the National Institute for Occupational Safety and Health in accordance with the law. (Title 8, Section 5193 (h))

Medical records for each employee with occupational exposure will be kept confidential as appropriate and transferred or made available in accordance with the law. (Title 8, Section 5193(h))

Universal Precautions

"Universal Precautions" is an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

The HIV and HBV viruses can be found in blood, semen, vaginal secretions, and breast milk. Other body fluids such as feces, urine, vomit, nasal secretions, sputum, and saliva may contain infectious germs that cause other diseases. Because it is not always possible to know when blood or body fluids are infectious, all such fluids should be handled as if infectious.

All students and staff shall routinely observe the following universal precautions for the prevention of infectious diseases:

Personnel-All PersonnelExposure Control Plan For Bloodborne Pathogens (Continued)

1. Wear disposable waterproof gloves whenever you expect to come into direct hand contact with blood, or other body fluids, or contaminated items or surfaces. This applies to incidents including, but not limited to, caring for nosebleeds, cuts, cleaning up spills, or handling clothes soiled by blood or body fluids. After each use, remove the gloves without touching them outside and dispose of them in a lined waste container. Gowns or smocks should also be worn if you anticipate soiling of clothes by body fluids or secretions.
2. Wash your hands and other contaminated skin surfaces thoroughly for 15 to 30 seconds with dispensable soap and warm running water, rinse under running water, and thoroughly dry with disposable paper towels:
 - a. immediately after any accidental contact with blood, body fluids, drainage from wounds, or with soiled garments, objects, or surfaces;
 - b. immediately after removing gloves, gowns, or smocks;
 - c. before eating, drinking, or feeding;
 - d. before handling food, cleaning utensils, or kitchen equipment;
 - e. before and after using the toilet or diapering.

When running water is not available, use antiseptic hand cleanser and clean towels or antiseptic towelettes, and use soap and running water as soon as possible.

3. Clean surfaces and equipment contaminated with blood with soap and water and disinfect them promptly with a fresh solution of bleach (ten parts water to one part bleach) or other disinfectant. While cleaning, wear disposable gloves and use disposable towels whenever possible. Rinse mops or other nondisposable items in the disinfectant.

Personnel-All Personnel

Exposure Control Plan For Bloodborne Pathogens (Continued)

4. Properly dispose of contaminated materials and label them as biohazardous.
 - a. Place blood, body fluids, gloves, bloody dressings, and other absorbent materials into appropriately labeled plastic bags (doubled) or lined waste containers.
 - b. Place needles, syringes, and other sharp disposable objects in leak-proof, puncture-proof containers.
 - c. Bag soiled towels and other laundry. Presoak with disinfectant and launder with soap and water.
 - d. Dispose of urine, vomitus, or feces in the sanitary sewer systems.
5. Do not care for the injuries of others if you have any uncovered bleeding or oozing wounds or nonintact skin condition.
6. Use a mouthpiece, resuscitation bag, or other ventilation device when readily available in place of mouth-to-mouth resuscitation.

Staff shall immediately report exposure incidents or first-aid incidents as outlined in the Exposure Control Plan.

Legal Reference: California Code of Regulations, Title 8
3204 Access to Employee Exposure and Medical Records
5193 California Bloodborne Pathogens Standards

Code of Federal Regulations, Title 29
1910.1030 OSHA Bloodborne Pathogens Standards

Regulation
approved: January 26, 1994

Regulation
amended: May 28, 1997

Personnel - All PersonnelStaff Development

Staff Development is viewed by the County Superintendent of Schools as a continuous, systematic effort to improve the educational programs and services provided by the County Office of Education through staff involvement in organized program planning, implementation and evaluation efforts, and activities to upgrade the knowledge and ability of the total staff.

All employees shall be provided opportunities for the development of increased competence beyond that which they may attain through performance of their assigned duties.

Special emphasis is placed on inservice training to better prepare all personnel to meet the needs of students of diverse cultural and ethnic backgrounds. Planning and implementation of such programs shall be done cooperatively by administration, teachers, and parent advisory groups.

The Superintendent may provide the staff with developmental opportunities such as the following:

1. Released time and leaves of absence for travel and study
2. Visits to other classrooms and other schools
3. Conferences involving other personnel from the local districts, county and other counties, state and nation
4. Membership in committees drawing personnel from various sources
5. Training classes and workshops offered by the County Office of Education
6. Further training by institutions of higher learning, including credit courses offered in the county instead of on the college campus
7. A professional library for the use of the staff, including materials on management and leadership in the public schools
8. Professional education conferences

Personnel - All Personnel

Staff Development (Continued)

Service to Local School Districts

The County Office of Education may provide inservice programs and coordinative services for any school or community college district governing board on request providing the district is under the jurisdiction of the County Superintendent.

Legal Reference: Education Code

10304 Holding of Combined Annual and Local Institutes (teachers' institutes)

44032 Payment of Expenses; Advance of Funds; Direction of Travel by Governing Board

44560 Inservice Preparation in Ethnic Backgrounds

44570-44578 Inservice Training--Personnel; Secondary Education

44580-44591 Inservice Training--Personnel, Elementary

Teachers Instructional Skills

44630-44643 Professional Development and Program Improvement Act of 1968

44670-44680.9 School Personnel Staff Development and Resource Centers

52043(g) Staff Development Activities Affecting the Improvement of Elementary and Secondary Education Act

Policy

adopted: December 7, 1983

Policy

amended: May 28, 1997

Personnel - All PersonnelCopyrights and Patents

The County Superintendent of Schools recognizes that staff members, in carrying out their professional responsibilities, may develop patentable or copyrightable educational materials for use in the school program. Development of such materials is encouraged, and it should be noted that such materials are equally the property of the County Office of Education and the employee.

It is also understood that educational materials created by an employee during the employee's non-duty hours when the employee is not fulfilling his/her contractual duties to the County Superintendent, are the property of the employee. Equipment or resources owned by the County Office of Education are not to be utilized by staff members in the production of such materials.

Legal Reference: Education Code
1044 County Board May Secure Copyrights, in the Name of the Board, to All Copyrightable Materials Developed by the Board
1045 Sale and Use of Published and Copyrighted Material (by County Board)
32360 Copyrights; Use of Funds
32361 Copyrights; Use of Employee Worktime
35170 Authority to Secure Copyrights

Policy
adopted: December 7, 1983

Policy
amended: May 28, 1997

Personnel - All Personnel

TRAVEL REIMBURSEMENT

Employees are entitled to claim reimbursement for meal allowances plus actual, reasonable, and necessary expenses arising from the discharge of their official duties, subject to limitations established by law and policy. These criteria, and provisions of this policy, are intended to assure that, insofar as practical, employees are reimbursed for expenses incurred as a result of their work which would not otherwise have been incurred and are to be interpreted from this viewpoint.

Policy
adopted: April 20, 1983

Policy
amended: May 28, 1997
April 21, 2004

Personnel - All Personnel**TRAVEL REIMBURSEMENT**

This administrative regulation specifies procedures concerning authorized expenses and expense reimbursement. Claims for reimbursement are made over an affidavit certifying accuracy and propriety; consequently, it is extremely important that employees are fully informed of items which are subject to reimbursement.

I. Reimbursable Expenses at the Employee's Regular Work Station

Employees should not normally incur reimbursable expenses while at their regular work station or work area other than those connected with the use of a personal automobile. The exceptions to this rule relate primarily to meal expenses, which are subject to reimbursement under the following circumstances.

1. When the employee is required to attend a meeting concerning office business because of his/her official position.
2. When the employee is required to be out of his/her normal work area or work period during a meal hour because of a particular work assignment.
3. When the employee is required to incur expenses as host for official guests of the office, such as members of examining boards, speakers or honored guests at banquets or other official functions.
4. When the employee is required by his/her immediate supervisor to work three or more hours in the evening, on a holiday or weekend, he/she shall be reimbursed as follows:
 - a. For \$36.00 dinner allowance or actual mileage to home and return (see meal allowance schedule in II.3 for guidelines on cost) if required to stay over after completion of his/her regular work schedule.
 - b. For \$18.00 lunch allowance (see meal allowance schedule in II.3 for guidelines on cost) if required to work on a holiday or weekend.
5. Private vehicle mileage will be reimbursed at the rates set by the County Board of Education and the County Superintendent of Schools. The Business Office will make prompt written notice of any change to such rates. Parking receipts are required for amounts over \$10.00; if there is no receipt, a supervisor's signature is required.

Personnel - All Personnel**TRAVEL REIMBURSEMENT**

II. Allowable Expenses for Authorized Travel

1. From time to time, it is necessary that employees travel in the course of their employment. Conferences, meetings and workshop attendance are encouraged to stimulate professional growth, to keep informed regarding current research and practices, to develop specialized skills, and to represent the office.
2. Authorized travel consists of (1) overnight trips and/or (2) air travel. Authorized travel is subject to advance approval by the County Superintendent of Schools or designee.
3. Employees may claim the following maximum amounts for meals:

	<u>Allowance</u>
Breakfast	\$12.00
Lunch	18.00
Dinner	<u>36.00</u>
Meal Allowance	\$66.00

These meal allowances **include tax and tip**. Costs in excess of the above amount may be claimed only when the employee has no choice of an appropriate place or menu. CCCOE credit cards may be used for meal expenses at the approved amounts. Itemized receipts must be submitted with the monthly credit card statement.

4. Travel shall normally be by public carrier. Prior approval of the County Superintendent of Schools or designee shall be required for travel other than by public carrier. Private vehicle mileage will be reimbursed at the rates set by the County Board of Education and the County Superintendent of Schools. The Business Office will make prompt written notice of any change to such rates.
5. All travel expenses other than provided in II.3 above (e.g., tips other than for meals, etc.) will be allowed when actual, necessary, and reasonable and when accompanied by receipts. These additional travel expenses are subject to approval of the County Superintendent of Schools or designee. NOTE: Receipts are not necessary for bridge tolls and parking expenses that do not exceed \$10.00 per day.

Personnel - All Personnel

TRAVEL REIMBURSEMENT

II. Allowable Expenses for Authorized Travel (continued)

6. Tips and gratuities customary for specified services are reimbursable except in the case of meal service. (The meal allowance in II.3 above is intended to include the tip within allowable cost per meal.) Tips and gratuities should be noted on the Travel Request Form as "Other" Costs.

III. Procedure for Claiming Expense Reimbursement

A. Reimbursement for expenses incurred on behalf of the office other than Authorized Travel shall be claimed on a Monthly Mileage and Expense Report Form, which is available from the Business Office. The following procedures apply with respect to expense claims:

1. Monthly mileage/expense claims shall be submitted monthly for expenses incurred in the previous reporting period. No expense reimbursement will be made for claims submitted more than six months following the date of incurring the reimbursable expense.
2. Each claim must specify the date, nature of expense and amount for which reimbursement is claimed. Work papers documenting the necessity for the charge must be maintained in the department files. Claims must be for "actual and necessary" expenses incurred by the employee submitting the claim. Receipts for registration fee must be submitted with the Monthly Mileage and Expense Report Form.
3. Authorized employees may use CCCOE credit cards while attending to CCCOE business. Under no circumstances may personal expenses be charged on CCCOE credit cards.

Regulation
approved: April 27, 1983

Effective
date: May 1, 1983

Regulation
amended: April 24, 1985 July 14, 1988 October 6, 1999
 October 24, 1985 October 13, 1988 April 21, 2004
 May 29, 1986 February 15, 1990 October 5, 2011
 October 14, 1987 May 28, 1997 October 1, 2012

Personnel - All Personnel

Organization/Units

Employee-Employer Relationships

The County Superintendent of Schools recognizes the right of public school employees to join organizations of their own choice, to be represented by such organizations in their professional and employment relationships with the County Office of Education, and to select one employee organization as the exclusive representative of the employees in an appropriate unit.

Legal Reference: Government Code
3540-3549.3 Meeting and Negotiating in Public Educational
Employment

Policy
adopted: December 7, 1983

Policy
amended: May 28, 1997

Personnel - All PersonnelAgreement

Each agreement entered into by the County Superintendent of Schools with a duly constituted exclusive representative shall constitute a commitment by the Superintendent to the provisions of the agreement for its duration or until its amendment by an instrument in writing duly executed by both parties.

An executed copy of each written agreement with the County Superintendent shall be filed with the Public Employment Relations Board within sixty (60) calendar days after execution of each such agreement.

A copy of each current employee agreement is appended to this policy manual for reference purposes.

In any case where a policy or regulation of the Board of Education or the County Superintendent is in conflict with a provision of the employee agreement, the provision of the employee agreement shall be binding on the Board and Superintendent and on all employees covered by that provision of the employee agreement.

Legal Reference: Government Code
3540-3549.3 Meeting and Negotiating in Educational Employment
3543.2 Scope of Representation
3549 Construction

Policy
adopted: December 7, 1983

Policy
amended: May 28, 1997

Personnel - All PersonnelConcerted Action/Work Stoppage

The County Superintendent of Schools is aware that there have been strikes or work stoppages in public school systems in the past few years and are concerned about the effects such concerted actions might have on the functions of the County Office of Education.

The County Superintendent of Schools shall develop procedures for use during a concerted action which will:

1. Keep the County Office of Education in full operation
2. Facilitate communication among all concerned
3. Ensure the welfare and safety of pupils, teachers, other staff personnel, and County Office property
4. Release County Office personnel who are directly related to the negotiations operation from as much of their normal duties as necessary to allow them to concentrate on the business of ending the concerted action

Concerted action/work stoppage includes strikes, withholding of services, unauthorized shortened days, sick-ins, professional days, or any other euphemism for withholding contract services. The County Board of Education will be informed of such procedures.

In the event of a concerted action/work stoppage, the Superintendent will be responsible for keeping the Board President informed of all developments, and the Board President shall call emergency meetings of the Board as necessary.

Legal Reference: Education Code

1293 Power to Contract with Certificated Personnel

1294 Rights of Certificated Personnel

1311 et seq. Classified County School Employees

44932-44958 re Dismissal of Certificated Employees

45101 Definitions, including "disciplinary action", "cause"

45113 Rules and Regulations for Classified Service

Government Code

3540-3549.3 Meeting and Negotiating in Public Educational Employment

3548.3 Construction "shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public school employees"

Policy

adopted December 7, 1983

Policy

amended: May 28, 1997

Personnel - All Personnel

Negotiations/Consultation

The County Superintendent, through his/her appointed management negotiating team, will negotiate with the employee organization(s) in the subjects mandated under Section 3543.2 of the Government Code according to the procedures described in Chapter 10.7 of the Government Code and the current employee agreement.

Legal Reference: Government Code
3543.2

Policy
adopted: December 7, 1983

Policy
amended: May 28, 1997

4135.31

Personnel - All Personnel

Public Notice - Collective Bargaining Proposals

The County Superintendent of Schools will adhere to the requirements of public notice as set forth in Section 3547 of the Government Code and as set forth in the Administrative Regulation implementing this policy.

Legal Reference: Government Code
3547 Public Notice

Policy
adopted: January 17, 1983

Policy
amended: May 28, 1997

Personnel - All Personnel

Public Notice - Collective Bargaining Proposals (Sunshine Act)

Presentation of Employee Organization Proposals:

Initial collective bargaining proposals of the employee organization(s) shall be presented to the Board of Education and County Superintendent of Schools in public during a regularly scheduled Board meeting. The Board may schedule a public hearing at the regularly scheduled Board meeting following the presentation of the initial proposal in order to receive public input.

Presentation of County Superintendent's Proposals:

The initial collective bargaining proposal of the Superintendent shall be presented in a regularly scheduled Board meeting in accordance with negotiated procedures or after the public hearing on the employee organization's initial proposals. At the next regularly scheduled Board meeting following the presentation of the Superintendent's initial proposal, it shall be placed on the agenda for public comment.

Availability of Initial Proposals to the Public:

The initial proposals of both the employee organization(s) and the Superintendent shall be made available to the public not later than the second work day following the regularly scheduled Board meeting at which they were presented. Copies of the full initial proposal shall be available to the public at various work sites and at the Central Administration Office subject to provisions of Policy 1150 and Regulations 1150.1 - 1150.4.

Availability of Initial Proposals to Interested Organizations or Citizens:

Organizations and individual residents of the County may obtain copies of the county's initial proposals subject to provisions of Policy 1150 and Regulations 1150.1 - 1150.4.

Public Hearing:

Each citizen commenting on a proposal shall be required to identify himself or herself. Length of comment may be limited per Board policy re public input. The Superintendent shall not take any action to adopt or modify the initial proposal until after they have had an opportunity to receive public comment on the proposal. Interested individuals or groups not wishing to make a formal presentation may respond in writing to be received by the Board not later than seven working days before the week preceding the public hearing. After the public hearing, the initial management proposal is presented for their information.

Personnel - All Personnel

Public Notice - Collective Bargaining Proposals (Sunshine Act) (Continued)

Notification of New Subjects of Bargaining:

The proposals on new subjects of bargaining not included in the initial proposal of either the employee organization or the Superintendent shall be made public within twenty-four (24) hours. Not later than two work days following the presentation of the new subject at the Board meeting, the initial proposal(s) regarding the new subject(s) shall be available at the Central Administration Office subject to provisions of Policy 1150 and Regulations 1150.1 - 1150.4.

In unusual or urgent circumstances, including but not limited to collective bargaining obligations attendant upon changed circumstances in employment, the above procedures in paragraphs one through six shall not apply to presentation to the public of initial proposals by employee organization(s) and/or the County Superintendent of Schools, provided that in such unusual or urgent circumstances, the public notice which is given shall comply with Government Code Section 3547.

Legal Reference: Government Code
3543.2 Scope of Representation
3547 Public Notice

Regulation
approved: January 17, 1983

Regulation:
amended: May 28, 1997

Personnel - All PersonnelSalary Guides

The County Superintendent of Schools desires to recruit and maintain a highly qualified and competent staff in order to properly discharge the duties and responsibilities of the County Office of Education. The Superintendent recognizes the importance of an attractive salary schedule and sound salary policies in attaining these objectives.

The advice and suggestions of members of the staff who are not part of a recognized employee organization are welcome by the Superintendent in the formulation and implementation of salary provisions, but it is expressly understood that the Superintendent will make the final decision on salary provisions for personnel not covered by an employee agreement.

For those members of the staff who are in a negotiating employee organization, only the exclusive representative of that organization may represent their interests in development of salary schedules.

Salary schedules for employees covered by an employee agreement will be found in the current employee agreement. Salary schedules for other personnel may be inspected at the County Office of Education.

Legal Reference: Education Code
 1290 et seq. Staff
 1293 Power to Contract with Certificated Employees
 1294 Rights of Certificated Employees
 1311 Employment of Persons to Positions not Requiring
 Certification Qualifications
 45021 et seq. Salaries (Certificated)
 45160 et seq. Salaries (Classified)

 Government Code
 3543.2 Scope of Representation

Policy
adopted: December 7, 1983

Policy
amended: May 28, 1997

Personnel - All PersonnelEmployee Safety

The County Superintendent of Schools encourages and supports an active occupational safety and health program. The County Superintendent directs the appropriate staff to develop administrative regulations, as appropriate, which are not inconsistent with provisions of existing negotiated labor agreements.

Legal Reference: California Administrative Code, Title 8
3202 General Industry Safety Order

Policy
adopted: June 8, 1983

Policy
amended: August 23, 1989
May 28, 1997

Employee Safety

Purpose

The personal safety and health of each employee is a primary concern of the Contra Costa County Office of Education. As the Employer, the County Superintendent of Schools is responsible for the health and safety of all employees and has currently designated the appropriate Human Resources Department representative as the Safety Coordinator of the Contra Costa County Office of Education.

The purposes of the County Office of Education Injury and Illness Prevention Program are to (1) minimize the number of disabling work-related injuries and illnesses; (2) provide an environment which is as free as possible from any health or safety hazard; (3) encourage and promote safety at all levels of employment by establishing responsibilities concerning safety priorities, procedures, and reports; and (4) respond to and abate any hazards which may be identified through the scheduled inspection methods or any employee report of a hazardous condition.

Responsibilities

All Employees - Employees practicing safety in their daily work is the key to a satisfactory accident prevention program. Employees are expected to:

1. Perform their jobs in accordance with established safe practices, including the use of personal protective equipment provided.
2. Report unsafe work-related conditions and practices to their supervisor in accordance with appropriate negotiated agreement provisions.
3. Drive vehicles, private and agency owned, in a safe manner at all times in accordance with the law, including the wearing of safety belts.

Employees with Management Responsibilities

1. It shall be the responsibility of supervisors to instruct employees in general safe work practices and to give specific instructions with respect to hazards unique to the employee's job assignment.
2. Ensure that all approved hazard work orders are completed in a timely fashion.
3. Purchase or devise any safety equipment, machinery safety guards, or special appliances that are needed in order to insure the safety of site employees.
4. Conduct or be available to assist with work site safety inspections.

Employee Safety (Continued)

5. Conduct informal meetings with employees which will recognize potentially unsafe work practices or conditions.
6. Provide specific on-going training to cover any hazards that may be unique to each employee's work assignment.
7. Recommend appropriate disciplinary actions in cases where employees display continuous disregard for safe health and safety work practices.

Designated Safety Coordinator

The County Superintendent of Schools will designate a representative of the Human Resources Department as the Safety Coordinator. The Safety Coordinator shall be responsible for:

1. Coordinating the implementation of an Injury and Illness Prevention Plan that is in compliance with the California Occupational Safety and Health Act (Cal/OSHA). The written program shall include reporting procedures and an on-going inservice health and safety training program.
2. Coordinating the activities of the management and labor safety committee and serving as Chairperson of the Committee (or appoint a designee).
3. Coordinating the County Office of Education Injury and Illness Prevention Training Program.
4. Coordinating the accomplishment of scheduled safety inspections and corrections to identified unsafe or unhealthy work conditions and/or practices in a timely manner.
5. Coordinating the employer/employee safety communication program.
6. Assisting supervisors with obtaining the training tools required to provide effective on-going departmental employee safety training in forms of safety posters, brochures, video tapes, statistical data, and other aids that may be identified.

Injury and Illness Prevention Training Program

It is the objective of the County Office of Education to provide training to all employees in the prevention of work-related injury or illness, as well as the handling and use of hazardous substances. Specific time must be set aside to periodically train every employee in safety related matters.

Employee Safety (Continued)

It shall be the responsibility of supervisors, managers, and administrators to incorporate injury/illness prevention as a part of regular staff meetings, and to maintain written documentation of all such activities. Injury/illness prevention is based on a recognition that consistent performance of tasks in a safe manner is necessary in order to prevent work-related injury or illness.

Objective of the Injury and Illness Prevention Training Program are to develop:

1. Employee recognition that no job is so important that one cannot take the time necessary to perform tasks safely.
2. Employee awareness of physical hazards or potential hazards that may exist within the work site.
3. Employee knowledge of how to work safely with hazardous aspects of materials, equipment, and student behavior.
4. Employee safety awareness and specific safe work practices.

The Program training components shall be accomplished as a coordinated effort through:

1. Employee Orientation
2. Supervisor and Site Administrator Training
3. Employee Training

Accident Investigation

It is the objective of the County Office of Education to have effective procedures for conducting accident investigation in an effort to pinpoint causes and develop the procedures necessary to avoid recurrences. The appropriated Human Resources Department representative is responsible for complete and comprehensive investigation and follow-up written reports. It is also the responsibility of the site administrator to do a thorough investigation of accidents at their site and to establish preventative measures which preclude recurrence. Accident investigation guidelines are outlined in the Injury and Illness Prevention Program and are further described in Administrative Regulation 4170.

Safety Inspections

Purpose: Site safety inspections are a vital component of the Injury and Illness Prevention Program. Thorough inspections result in the identification of conditions which may have posed a threat to life and/or property. Site inspections shall be conducted through:

Employee Safety (Continued)

Daily Inspection - On a daily basis each employee shall be responsible for observing their work area for hazardous conditions. Employees shall be encouraged to recognize and report hazardous conditions that may exist in their work area through the Employee Safety Suggestion/Hazard Identification Form.

Quarterly Inspection - On a quarterly basis, formal inspections shall be conducted by designated staff at each work location.

Annual Inspections - The Safety Coordinator, the Facilities Services Manager, and support staff shall conduct annually an inspection of all sites. The site administrator shall be available by appointment to assist in the inspection and to review any noted conditions and records as may be required.

Communications

It is the objective of the County Office of Education to establish a system for effective communication with all employees on matters related to health and safety and to encourage input on safety concerns.

Inspection Forms

Inspection forms have been developed for use in specific areas at each site. Proper documentation of all quarterly inspections shall be forwarded to the Safety Coordinator under the established guidelines outlined in the Injury and Illness Prevention Program.

This communication will be accomplished through the following methods:

- Regularly scheduled meetings of site administrators or supervisors and staff members
- Training programs
- Safety postings/bulletins
- Employee suggestion forms/boxes
- Safety Committee
- In-house newsletter

Legal References: Labor Code 6401.7, Senate Bill 198, Statutes of 1989, Chapter 1369
California Labor Code Sections 6360-6399.7
General Industrial Safety Orders, Sections 3203 & 5194

Regulation

approved: June 8, 1983

Regulation

amended: May 12, 1988
July 13, 1989
December 5, 1991
December 11, 1996
May 28, 1997

Personnel - All PersonnelFamily and Medical Leave

The County Superintendent, in accordance with state and federal law, shall grant family care leave to eligible employees without discrimination. Employees who are granted such leave shall be employed in the same or a comparable position upon returning from family care leave.

Legal Reference: Government Code
12840 Unlawful employment practices
12945 Pregnancy; childbirth or related medical condition;
unlawful practice by employers
12945.2 Family care leave; definitions; conditions
19702.3 Family care leave; exercise of rights

Code of Regulations, Title 2
7297.0-7297.9 Family Care Leave

United States Code, Title 29
2501, 2611-2619, 2631-2638, 2651-2654 Family and Medical
Leave Act of 1993

Policy
adopted: January 26, 1994

Policy
amended: May 28, 1997

Family and Medical Leave

An employee who has been employed in a regular position in the County Office of Education more than one continuous year shall be eligible to take unpaid family and medical leave under the provisions of state and federal law.

The County Office of Education may deny family and medical leave to an employee who is among the highest paid ten (10) percent of County Office employees.

Family and medical leave may be used for the following reasons:

1. Because of the birth of the employee's child, and in order to care for the child.
2. Because of the placement of a child with the employee for foster care or in connection with the employee's adoption of the child.
3. In order to care for the employee's child, parent or spouse with a serious health condition.
4. Because of the employee's own serious health condition which makes the employee unable to perform his/her job.

Definitions

For purposes of this regulation, "child" means a biological, adopted or foster son or daughter, a stepson or stepdaughter, a legal ward, or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child.

"Parent" means a biological, foster or adoptive parent, a stepparent, or a legal guardian; it includes an individual who stood in loco parentis to an employee when the employee was a child.

"Serious health condition" means an illness, injury, impairment or physical or mental condition that involves either:

1. inpatient care in a hospital, hospice or residential health care facility, or
2. continuing treatment or continuing supervision by a health care provider.

Duration of Leave

Family and medical leave shall not exceed twelve (12) work weeks during any twelve (12) month period if taken for the employee's own serious health condition, because of foster care placement, or to care for a person who stood in loco parentis and who is not a foster or adoptive parent, stepparent or legal guardian. This leave may be taken intermittently or on a reduced leave schedule when medically necessary. The employee may be required to take the leave for periods of a particular duration (not to exceed the duration of the planned

Family and Medical Leave (Continued)

medical treatment) or to transfer temporarily to a different job that has the equivalent pay and benefits but could better accommodate recurring periods of leave.

Family and medical leave for any other reason shall not exceed a total of four (4) months within a 24-month period unless a longer leave is agreed upon by the employer and the employee.

Leave taken for birth or adoption must be initiated within one (1) year of the birth or adoption. Leaves may be subject to a minimum duration or can be taken intermittently or on a reduced leave schedule depending on the reason for the leave and subject to special rules which may apply.

When used in conjunction with the minimum four (4) month pregnancy disability leave under Government Code 12945, family care leave shall be no more than one (1) month unless the employer and the employee agree otherwise.

Terms of Leave

During the period of family care leave, the employee may elect or be required by the employer to use his/her accrued vacation leave, other accrued time off, or any other paid or unpaid time off.

Sick leave shall be used during the period of family care leave only if the employee so agrees under state law.

During the otherwise unpaid portion of pregnancy disability leave, the employee may use any accrued vacation, sick time or other paid leave.

Maintenance of Benefits

During the period of family care leave, the employee shall continue to be entitled to participate in the employer's health plan. After twelve (12) weeks of family care leave, he/she may be required to pay the health care premium for the remainder of the leave.

During the period of family care leave, the employee shall continue to be entitled to participate in pension and retirement plans, supplemental unemployment benefit plans, and/or any other employee welfare benefit plan.

The employee shall retain his/her employee status with the employer during the leave period, and the leave shall not constitute a break in service for purposes of longevity or seniority under any employee benefit plan or collective bargaining agreement. For purposes of layoff, recall, promotion, job assignment and seniority-related benefits such as vacation, the employee returning from family care leave shall return with no less seniority than he/she had when the leave began.

Family and Medical Leave (Continued)

Requests, Advance Notice and Certification

If an employee learns of the need for family care leave more than thirty (30) days before the leave is to begin, he/she shall give the employer at least thirty (30) days' written advance notice. If the employee learns of the need for family care leave fewer than thirty (30) days in advance, he/she shall provide such notice as soon as practical.

If leave is needed for a planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of employer operations. This scheduling shall be subject to the health care provider's approval.

An employee's request for leave to care for a child, spouse or parent who has a serious health condition shall be supported by a certification from the health care provider of the person requiring care. This certification shall include:

1. The date, if known, on which the serious health condition began.
2. The probable duration of the condition.
3. An estimate of the amount of time the health care provider believes the employee needs to care for the child, parent or spouse, and
4. A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the child, parent or spouse.

If additional leave is needed when the time estimated by the health care provider expires, the employer may require the employee to provide recertification as specified above.

An employee's request for leave because of his/her own serious health condition shall be supported by a certification from the employee's health care provider. This certification shall include:

1. The date on which the serious health condition began.
2. The probable duration of the condition.
3. The appropriate medical facts within the knowledge of the health care provider regarding the condition, and
4. A statement that the employee is unable to perform the functions of his/her job.

Family and Medical Leave (Continued)

If the employee is requesting leave for intermittent treatment or leave on a reduced leave schedule for planned medical treatment, the certification must also state the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave.

Regulation
approved: January 26, 1994

Regulation
amended: May 28, 1997

Personnel - All PersonnelWorkers' Compensation Program

The County Superintendent of Schools desires that appropriate Workers' Compensation benefits and medical care be provided to employees who suffer on-the-job injuries and illness in order to minimize their suffering and time away from work. The County Superintendent directs staff to develop administrative regulations related to Workers' Compensation benefits.

Policy
adopted: September 27, 1989

Policy
amended: May 28, 1997

Personnel - All PersonnelWorkers' Compensation ProgramPurpose

The purpose of the Workers' Compensation Program is to minimize the effect of injuries and illnesses that occur on the job to County Office of Education employees. These regulations establish responsibilities, priorities, procedures and reports that assure appropriate medical care, benefits delivery, and return to work for disabled employees.

The County Office of Education is a member of a school district consortium that is self-insured to cover employees for work-related injuries and illnesses. (Joint Powers Agreement of 7-1-77 creating Contra Costa County Schools Insurance Group)

Accident Reporting ResponsibilitiesInjured/Ill Employee

Employees are to report all job-related injury/illness claims in the following manner:

1. Complete Employee's Claim for Workers' Compensation Benefits (DWC Form 1). The completed form is immediately given to supervisor to activate the claim for Workers' Compensation.
2. Additionally, the employee completes the top portion of the Employee/Supervisor's Report of Occupational Injury/Illness and immediately gives to supervisor who completes the bottom portion. This second form is to be completed within twenty-four (24) hours of the occupational injury/illness and forwarded to the Human Resources Department. It provides the information necessary for submitting the claim to the Workers' Compensation benefits administrator.

Supervisor of Injured/Ill Employee

Supervisors of injured/ill employees are to ensure availability of the forms employees are to complete. These two forms are the Employee's Claim for Workers' Compensation Benefits (DWC Form 1) and the Employee/Supervisor's Report of Occupational Injury/Illness.

1. Upon receipt of the above identified two reporting forms, the immediate supervisor does the following:
 - a. Completes the employer section of DWC Form 1, and immediately gives the injured/ill employee a copy as a receipt, and forwards to the Human Resources Department within twenty-four (24) hour time period.
 - b. Logs the date and time the DWC Form 1 was given to the employee, along with the date and time the completed form was received from the employee.

Personnel - All PersonnelWorkers' Compensation Program (Continued)

- c. Completes the bottom portion of the second form titled Employee/Supervisor's Report of Occupational Injury/Illness, including actions to prevent reoccurrence of injury/illness and forwards to the Human Resources Department within twenty-four (24) hours of injury/illness.
2. In all instances, the completed Employee's Claim for Workers' Compensation (DWC Form 1) needs to be sent to the Human Resources Department within the twenty-four (24) hour period of the injury/illness to avoid possible penalties due to late claims reporting. Processing this form is more critical than the second form containing more detailed information relative to the reported employee injury/illness.
3. In instances where a report of industrial injury/illness is questionable, and pending final determination by the Claims Administrator, the initial absence of the injured/ill employee will be charged to such employee's sick leave. The employee's sick leave will be restored where determination is made that an industrial accident/illness did occur with such lost time then being appropriately charged against industrial injury/illness leave.

Medical Care ResponsibilityInsured/Ill Employee

1. Inform supervisor and the Human Resources Department on approved form of employee's desired physician, if any, to treat industrial injury/illness. This is to be done upon initial employment and periodically updated thereafter.
2. Submit a written statement by the treating physician to the immediate supervisor for any work time lost due to occupational injury/illness. This written statement/note should describe the diagnosis and identify the estimated time of return to work.
3. Obtain clearance from the treating physician before returning to work where additional work time is lost due to a previous occupational injury/illness.
4. Accept reasonable medical treatment and attend scheduled medical appointments.

Supervisory Employees

1. Keep a list on file of medical providers who are on the County Office of Education Medical Panel (see attached list).
2. Keep a list on file to quickly identify subordinate employees who have selected their own doctors.
3. Direct injured employees to medical providers outlined in #1 or #2 above.

Personnel - All PersonnelWorkers' Compensation Program (Continued)

Management employees are to be actively involved in the Workers' Compensation benefits delivery program by directing injured employees to predetermined medical facilities and communicating with disabled employees to be sure they receive appropriate care and timely benefits. Supervisory employees may also, where possible and appropriate, restructure work to encourage disabled employees' early return to work. All such special accommodations must be approved by the employee's treating physician prior to the employee returning to work.

Human Resources Department Responsibility

The Human Resources Department's responsibilities are to:

1. Provide employees and supervisors with necessary forms for recording occupational illnesses/injuries, designate treating physicians, and record date of return to work.
2. Prepare claim for occupational illness/injury benefit information on forms submitted by injured/ill employee and supervisor for submission to Workers' Compensation claims administrator.
3. Provide inservice training on Workers' Compensation to management employees.
4. Provide information to new employees on the reporting requirements and benefits available under the Workers' Compensation Program.
5. Provide overall coordination of the County Office of Education Workers' Compensation Benefits Program among injured/ill employees, supervisors, third-party claims administrator, and the internal payroll unit.

Accident Investigation and Reporting

Supervisors of injured/ill employees are required to review reported occupational illnesses/injuries to determine causes that can be remedied in order to prevent future accidents/illnesses. Supervisors of injured/ill employees are encouraged to contact treating physicians to discuss the nature of the injury/illness as it relates to work time lost and return to work. The supervisor can provide the physician with any information that would assist in understanding the employee's job duties.

A Doctor's completed Employee Return to Work Form is to be submitted to the Human Resources Department by the injured/ill employee's immediate supervisor whenever an employee returns to work following an absence from work due to an industrial injury/illness.

Personnel - All Personnel

Workers' Compensation Program (Continued)

Where additional work time is lost due to a previous injury/illness, documentation of the reoccurrence is to be submitted to the Human Resources Department, including Recurrence of Occupational Illness/Injury and Return to Work Forms. (See attached)

Where feasible, supervisors are encouraged to restructure work assignments to allow disabled employees to temporarily return to modified work assignments with the approval of the treating physician.

Regulation
approved: June 4, 1983

Regulation
amended: September 13, 1989
September 13, 1990
May 28, 1997

Personnel - All PersonnelVolunteers - Workers' Compensation Insurance Coverage

The County Superintendent recognizes the valuable services provided by volunteers to augment and enrich County Office of Education programs and services. In order to encourage persons to offer volunteer assistance and to protect volunteers while in the service of the County Office of Education, the County Superintendent directs appropriate staff to develop regulations concerning volunteer status, designation, and entitlement to Workers' Compensation benefits.

Policy
adopted: September 21, 1983

Policy
amended: May 28, 1997

Personnel - All PersonnelVolunteers - Workers' Compensation Insurance Coverage

A volunteer is a person who is not employed by or under contract with the County Office of Education and who performs services without monetary compensation.

Prior to starting, volunteers must have on file with the Human Resources Department:

- a completed volunteer registration form signed by the County Superintendent or designee (see attachment); and
- a certificate from a physician licensed under the Business and Professions Code indicating that a tuberculosis examination within the past sixty (60) days shows that he/she is free from tuberculosis. (See Regulation 4112.4.)

Each program administrator shall maintain a list of authorized volunteers with a description of intended volunteer services to be provided. In addition, each program administrator shall inform all properly authorized volunteers of the availability of Workers' Compensation benefits for any injury sustained while engaged in the performance of an authorized service under the direction and control of the County Superintendent.

Should any volunteer sustain an injury while performing service, the supervisor or program administrator shall complete and file a Supervisors' Report of Occupational Illness/Injury form with the Human Resources Department immediately (see attachment).

Legal Reference: California Labor Code
3364.5

Regulation
approved: September 21, 1983

Regulation
amended: May 8, 1996
May 28, 1997

Personnel - All PersonnelEmployee Recognition Program

The County Superintendent endorses programs to promote performance and job satisfaction for all employees of the Contra Costa County Office of Education. The Superintendent further endorses an employee recognition program based on years of service with and retirement from the County Office of Education.

The Superintendent approves the implementation of an employee recognition program and the appropriation of funds needed to implement the program. The program will include the purchase of a recognition gift based on the employee's years of service or retirement. The Superintendent directs the appropriate staff to develop the specific program, including recognition gift level dependent on years of service or retirement, for review by the Superintendent.

Legal Reference: Education Code
44015 Awards to Employees

Policy
adopted: May 25, 1988

Policy
amended: May 28, 1997

Personnel - All Personnel

Employee Recognition Program

The employee recognition program provides employees with individual service awards based upon years of service to the County Office of Education; retirement awards are also provided.

Award levels begin on the fifth anniversary of the original hire date of a regular, permanent employee, and, thereafter, at each five (5) year anniversary. Employees have the option to donate the value of their level of award to an agency operated program.

To qualify for a retirement award, an employee must be fifty-five (55) years of age and have completed at least five (5) years of service with the County Office of Education.

Awards are usually presented to employees at regular Board meetings. However, an employee may opt to have his/her supervisor present the award at another time/place.

Legal Reference: Education Code
44015 Awards to Employees

Regulation
approved: May 25, 1988

Regulation
amended: January 24, 1996
May 28, 1997

Personnel - All PersonnelAlcohol/Drug Abuse and Violence Prevention

The Superintendent endorses the Contra Costa County Health Promotion Policy on Alcohol/Drug Abuse and Violence Prevention. The Superintendent agrees to annually review the policy to make revisions and assure that all important community elements are working together. A copy of the Contra Costa County Health Promotion Policy on Alcohol/Drug Abuse and Violence Prevention is attached.

Policy
adopted: August 10, 1991

Policy
amended: May 28, 1997

Drug and Alcohol Free Workplace

The Superintendent encourages and supports a drug and alcohol free workplace. The County Superintendent directs appropriate staff to develop an administrative regulation to establish and maintain a program for a drug and alcohol free workplace. This regulation will be consistent with existing labor contracts.

Legal References: Government Code
8355 The Drug-Free Workplace Act

Policy
adopted: September 11, 1991

Policy
amended: May 28, 1997

Drug and Alcohol Free Workplace

The County Office of Education will provide a drug and alcohol free workplace for all employees. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, as defined in the Controlled Substance Act and Code of Federal Regulations, in any of the County Office of Education workplaces is prohibited. All employees of the County Office of Education shall comply with the agency's policy on providing a drug and alcohol free workplace.

The County Office of Education shall make information available to employees regarding the dangers of drug and alcohol abuse in the workplace. Any employee who feels that he/she has a drug or alcohol abuse problem and needs assistance may utilize the Employee Assistance Referral Service (EARS) Program by contacting the appropriate Human Resources Department representative.

Notwithstanding participation in a drug awareness and/or rehabilitation or assistance program, any employee who violates the agency's policy on drug and alcohol-free workplace shall be subject to disciplinary action in accordance with the existing labor contract provisions, agency regulations, and/or applicable sections of the Education Code.

- Legal References:
- Education Code
 - 44836 Employment of persons convicted of sex offenses or controlled substance offenses
 - 45123 Employment after conviction of sex offense or controlled substance offenses
 - 44011 "Controlled substance offense"
 - 44425 Conviction of sex or controlled substance offense as grounds for revocation by commission
 - 44065 Issuance of and functions requiring credentials
 - 44940 Leave of absence
 - 45304 Suspension for reasonable cause
 - Government Code
 - 8355 The Drug-Free Workplace Act

Regulation
approved: September 12, 1991

Regulation
amended: May 28, 1997

Personnel - All PersonnelThreat on the Life of an Employee

It is the intent of the County Superintendent that the County Office of Education provide a safe working environment for all employees. To this end, the Superintendent is fully committed to doing everything within his/her power to protect the life and safety of employees.

Occasionally, an employee's life is threatened. The threat may come from an employee or a non-employee. Though such incidents are infrequent, all managers must be thoroughly familiar with Regulation 4175 detailing procedures for contending with a threat on the life of an employee. It is the intent of the Superintendent that the regulation be applied consistently if an employee's life is threatened.

It is the policy of the Superintendent that the County Office does not tolerate threats, intimidation, or acts of violence toward or by employees, vendors, or the public. The office will take necessary steps to investigate and take effective disciplinary measures up to and including termination to deal with breaches of this policy.

Legal References:	Education Code
44932	Grounds for Dismissal
44934	Charges and Notice of Intention to Discharge Employee
449339	Immediate Suspension
44948	Dismissal or Suspension of Probationary Employees
45116	Notice of Disciplinary Action
45302	Demotion and Removal from Permanent Classified Service
45303	Additional Causes for Suspension or Dismissal of Classified Employees

Policy
adopted: March 8, 1995

Policy
amended: May 28, 1997

Personnel-All PersonnelThreat on the Life of an Employee

It is the policy of the County Office of Education to make every reasonable effort to provide a safe workplace and working environment. Occasionally, an employee's life is threatened. Sometimes the person making the threat may be an employee; sometimes the person is not an employee. It is the concern of the County Office that timely assistance is provided to the threatened employee to ensure the employee's safety and welfare. It is also important that due process is followed in confronting an employee's behavior of threatening another employee. The County Office does not tolerate threats, intimidation, or acts of violence toward or by employees, vendors, or the public. The County Office will take necessary steps to investigate and take effective disciplinary measures up to and including termination, when appropriate, to deal, with breaches of this policy. Managers are to proceed as follows when a threat is made upon the life of an employee.

It should be noted that no procedures listed in this Regulation preclude an employee from calling the Police Department or 911 directly should he/she deem that such action is necessary.

Threats made at work against an employee by an employee:

1. The immediate supervisor will verbally report the incident immediately to the Deputy Superintendent or the Assistant Superintendent as appropriate, and the Director of Human Resources. The information reported shall include the following and will be recorded in writing as soon thereafter as possible:
 - the name of the individual making the threat
 - the work location of the employee, if known
 - exactly what was said or happened
 - who was threatened
2. The Director of Human Resources will verify the report and, based on his/her investigation, will immediately report the incident to local law enforcement, indicating the employee's name who is alleged to have made the threat and as much pertinent information as is available. He/she will also immediately notify the County Superintendent.
3. With guidance from the Director of Human Resources, legal counsel, and in consultation with the Deputy Superintendent and the Assistant Superintendent, the decision will be made by the immediate supervisor whether to suspend, temporarily reassign, or terminate the employee making the threat. The Director of Human Resources will notify the Superintendent, Deputy Superintendent and Assistant Superintendent of the decision.

Personnel-All PersonnelThreat on the Life of an Employee (Continued)

4. The Director of Human Resources will conduct the investigation and/or work with the authorities to ensure due process is followed in confronting the threatening behavior and imposing disciplinary action. Confidentiality and discretion will be applied in handling matters related to the investigation.
5. If the employee making the threat is a bargaining unit member, the Director of Human Resources will notify the appropriate employee association of the incident and the outcome. The Director of Human Resources will provide a status report on the incident and its outcome to the County Superintendent.

When the person making the threat at work is not an employee:

1. The employee will verbally report the incident immediately to the immediate supervisor. The report will include the following and will be recorded in writing as soon thereafter as possible:
 - a description of the individual making the threat
 - if known, the name of the individual making the threat
 - exactly what was said or happened
 - who was threatened
2. The immediate supervisor will report the incident to the Deputy Superintendent or the Assistant Superintendent as appropriate and the Director of Human Resources.
3. The Director of Human Resources will verify the report, file a police report immediately, and inform the County Superintendent of the incident. The Director of Human Resources, and the threatened employee's supervisor will, in collaboration with law enforcement and legal counsel, take action to ensure the safety and welfare of the employee receiving the threat.
4. The Director of Human Resources will keep the County Superintendent informed of the status of the incident.

Threat on the Life of an Employee

When the threat against the employee occurs away from work and is made by an employee, the same procedures described in the section when the person making the threat at work is an employee are to be followed.

Personnel-All Personnel

Threat on the Life of an Employee (Continued)

When the threat against the employee occurs away from work and is made by a non-employee, the employee will report the incident to the immediate supervisor. The supervisor will encourage and counsel the employee to file a police report.

Legal References: The Workplace Violence Safety Act
(Chapter 29X, ABX 68)

Regulation
approved: March 8, 1995

Regulation
amended: May 28, 1997

Personnel-All PersonnelVoice-Mail

The County Office of Education has, as part of its technology platform, a voice-mail system. This system is provided to assist in the conduct of business within the County Office.

Voice-mail and the data stored on it are and remain at all times the property of the County Office of Education. As such, all voice-mail messages created, sent, and received are and remain the property of the County Office of Education.

The County Office of Education reserves the right to retrieve and read any message composed, sent, or received. Please note that even when a message is deleted, it is possible to recreate the message; therefore, ultimate privacy of messages cannot be ensured to anyone.

Messages should be limited primarily to the conduct of business of the County Office of Education.

While voice-mail may accommodate the use of passwords for security, the reliability of such for maintaining confidentiality cannot be guaranteed. You must assume that any and all messages may be read by someone other than the intended or designated recipient. Moreover, all passwords must be made known to the County Office of Education as your system may need to be accessed by the County Office of Education when you are absent.

Except as set forth in paragraphs 3 and 5, all messages sent via voice-mail are considered to be confidential and as such are to be accessed only by the addressed recipient or by the direction of the addressed recipient.

Employees learning of any misuse of the voice-mail system or violations of this policy shall notify the Director of Human Resources.

Voice-mail messages may not contain content that may be reasonably considered offensive, disruptive or harassing to any employee. Offensive content would include, but would not be limited to, sexual comments or images, racial slurs, gender-specific comments or comments that would offend someone on the basis of his or her age, sexual orientation, religious or political beliefs, national origin, or disability.

Policy

adopted: May 28, 1997

Personnel – All Personnel

STAFF ACCEPTABLE USE OF TECHNOLOGY

The Contra Costa County Office of Education intends that technological resources provided by the County Office be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

This policy and its accompanying regulation confirm the County Board's compliance since 2001 with the Children's Internet Protection Act (CIPA) of 2001.

The County Superintendent of Schools or designee shall provide instruction to classroom instructional staff on how to instruct students regarding appropriate online behavior, safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyber bullying, how to respond if subjected to cyber bullying, unauthorized access including so-called "hacking," and unauthorized disclosure, use and dissemination of personal information regarding minors. Classroom teachers will be expected to educate their students on this content.

The County Superintendent of Schools or designee shall notify students and parents/guardians about authorized uses of County Office computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with County Office regulations and Acceptable Use Agreement. Staff members should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private. These technologies shall not be used to transmit confidential information about students, employees or County Office operations without authority.

Before a staff member is authorized to use the County Office technological resources, he/she shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the staff member shall agree not to hold the County Office or any County Office staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. The staff member shall also agree to indemnify and hold harmless the County Office and County Office personnel for any damages or costs incurred. Use of the County Office's technology is a privilege which may be revoked at any time.

The County Superintendent of Schools or designee shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of students and staff using the County Office's technological resources and to help ensure that the County Office adapts to changing technologies and circumstances.

Personnel – All Personnel

STAFF ACCEPTABLE USE OF TECHNOLOGY

The County Superintendent of Schools or designee shall ensure that all County Office computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254). A technology protection measure, compliant with the Children’s Internet Protection Act, has been in place since 2001. The County Superintendent of Schools or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

To ensure proper use of the system, the County Superintendent of Schools or designee may monitor the County Office's technological resources, including e-mail and voice mail systems, at any time without advance notice or consent. If passwords are used, they must be known to the County Superintendent of Schools or designee so that he/she may have system access.

To reinforce these measures, the County Superintendent of Schools or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher assistants, student aides, and volunteers assist in this supervision.

Policy
adopted: May 28, 1997

Policy
amended: June 20, 2012

Personnel – All Personnel**STAFF ACCEPTABLE USE OF TECHNOLOGY**

The Contra Costa County Office of Education’s (the “CCCOE”) technology resources — including desktop and laptop computers, personal digital assistants, Internet access, electronic mail, intranet, telephones, voice mail, scanners, and fax machines — enable employees to quickly and efficiently access and exchange information. When used properly, the County Superintendent of Schools recognizes that technological resources can enhance employee performance by improving access to and exchange of information, offering effective tools to assist in providing a quality instructional program, increasing educational opportunities, and facilitating CCCOE operations. This regulation explains how the CCCOE expects you to use these technology resources.

All employees are expected to learn and use the available technological resources that will assist them in the performance of their job responsibilities. These resources are provided at the public's expense and maintained by CCCOE and therefore, are to be used by members of the school community with respect for the public trust through which they have been provided.

CCCOE periodically updates technology standards as directed by the County Superintendent of Schools. Staff members who agree to abide by these defined standards will have access to appropriate, available resources, with guidance and support provided by the Technology Systems Department.

Board Policy 4177 has established ethical standards for the use of technology and technological resources in our schools. All CCCOE policies, including this Acceptable Use Policy, apply to all CCCOE staff, whether or not they come into direct contact with students. This Acceptable Use Policy applies to all technology resources owned or leased by CCCOE; used on, or accessed from CCCOE premises; or used in CCCOE business. This policy also applies to all activities using any CCCOE-paid accounts, subscriptions, or other technical services, such as Internet access, cell phones, voicemail, and e-mail. This policy applies whether or not the activities are conducted from CCCOE premises. Use of CCCOE technology resources is a privilege, which may be revoked at any time.

This Acceptable Use Policy does not attempt to articulate all required or prohibited behavior by users. Additional guidance and support is provided by the Technology Systems Department. Successful operation of such resources requires that all users conduct themselves in a responsible, confidential, ethical, decent, and polite manner, consistent with CCCOE Mission and Goals.

A. Acceptable Business Uses of Technology Resources

1. General Policy: CCCOE’s technology resources are provided to conduct CCCOE business for CCCOE’s benefit. Use of CCCOE’s technology resources must not interfere with work productivity or the operation of CCCOE’s technology resources. Each employee is responsible for the

Personnel – All Personnel**STAFF ACCEPTABLE USE OF TECHNOLOGY**

content of all text, audio and images that he or she creates, retrieves or sends using CCCOE's technology resources. All of CCCOE's policies and procedures regarding employee conduct apply to employees' use of CCCOE's technology resources.

2. Electronic Mail: Because e-mail seems informal, they are sometimes offhand, like a conversation, and not as carefully thought out as a letter or memorandum. Like any other document, e-mail and instant messages can later be used to indicate what an employee knew or how an employee acted. You should keep this in mind when creating e-mail and other documents. You also should keep in mind that even after you delete an e-mail or close a computer session, the message may still be recoverable and may even remain on the system.
3. Use of Wireless Devices: You should not use any wireless device to connect to the CCCOE's intranet unless the connection is secured or encrypted. If you are not sure whether a wireless device provides a secure connection, please contact your Technology Systems representative.
4. Use of E-Mail Distribution Lists: Because some information is intended for specific individuals and may not be appropriate for general distribution, users should exercise caution when forwarding messages or using distribution lists.
5. Use of CCCOE E-Mail Accounts: Employees should not use personal e-mail accounts to conduct any CCCOE related business.
6. Commitment to Applicable Laws: The CCCOE is committed to meeting the provisions established in the Family Educational Rights and Privacy Act (FERPA) and California Education Code, which protect the rights of students regarding education records. CCCOE is committed to meeting the provisions established in the Health Insurance Portability and Accountability Act (HIPAA), which protects the rights of students and employees regarding Protected Health Information. When technology resources are used to transmit confidential information about students, employees, and/or CCCOE business, all appropriate safeguards must be used.

In addition, the CCCOE is committed to meeting the provisions established in the Children's Internet Protection Act (CIPA), which protects the safety and privacy of minors. Consequently, CCCOE uses appropriate filtering technology to limit access to the Internet, in an

Personnel – All Personnel**STAFF ACCEPTABLE USE OF TECHNOLOGY**

attempt to prevent online access to materials that are obscene, contain child pornography, or are harmful to minors. All use of the CCCOE's technology resources must comply with the applicable federal and state laws and the CCCOE's commitment to comply with and uphold such laws.

B. Acceptable Non-Business Use of Technology Resources

1. General Policy: Employees are permitted to use the CCCOE's electronic resources for occasional and important non-business purposes such as coordinating child care with a family member, communicating a change in work schedule, or scheduling an appointment with a health care provider. Non-business uses should not involve significant use of the CCCOE's electronic resources, such as your or others' work time, computer time, or bandwidth.
2. Non-business use is subject to the following:
 - a. All non-business communications are subject to this policy in its entirety and to all other CCCOE policies. All non-business communications may be monitored at any time in accordance with this policy.
 - b. You should not use the CCCOE's electronic resources for communications that you wish to keep private, such as communications with a physician or your personal attorney.
 - c. When feasible, non-business uses should be made during breaks or lunch periods.
 - d. Non-business uses do not preempt any business activity and must not interfere with the user's or others' productivity and the use cannot be otherwise prohibited by CCCOE policies.
 - e. Employees' access to personal e-mail accounts during working hours is subject to all of the requirements contained in this policy.
 - f. A CCCOE employee, acting in an individual capacity and outside the scope of employment, may, during non-working time, express views and opinions that do not necessarily state or reflect those of CCCOE. Any such expression shall neither state nor imply that it is made on behalf of CCCOE. A CCCOE employee shall not communicate information otherwise prohibited by CCCOE policy or procedures using technological resources.

Personnel – All Personnel**STAFF ACCEPTABLE USE OF TECHNOLOGY**C. Unacceptable Uses of Technology Resources

Misuse or abuse of the CCCOE's technology resources and, in particular, the CCCOE's e-mail system, could expose the CCCOE and any individual who engages in the improper conduct to civil and even criminal liability. For this reason, all of the CCCOE's employees should carefully review the following list of prohibited conduct and comply with it. This list is not necessarily all inclusive. Any conduct listed below as well as any other conduct constituting misuse or abuse of the CCCOE's technology resources is grounds for discipline, up to and including termination, in accordance with applicable collective bargaining agreement, Board Policy, Administrative Regulation, and applicable law as well as revocation of the privilege of using the technology resources:

1. Non-Disclosure of Confidential Information: The CCCOE's technology resources may not be used to disclose Confidential Information, without proper authorization, regarding students, employees, or the CCCOE's operations. For additional information concerning the protection of the CCCOE's Confidential Information for students, please see Administrative Regulation 5125.1, "Student Records: Confidentiality." The CCCOE's Confidential information regarding students, employees or CCCOE's operations should not be stored on the local or "C" drive of any computer or on any portable storage medium without the prior authorization of the Technology Systems Department. Any such storage should be for short-term purposes only, such as accessibility of information during business travel, and the stored information should be deleted promptly after the short-term purpose has been accomplished.
2. No Offensive or Harassing Messages: Using CCCOE resources to send, save, post, publish or view offensive or threatening material is prohibited. Messages stored and/or transmitted by computer, voice mail, e-mail, or telephone systems must not contain content that may reasonably be considered offensive to any employee. Offensive material includes, but is not limited to, sexual comments, jokes or images; racial slurs; gender-specific comments; or any comments, jokes or images that would offend someone on the basis of his or her race, color, creed, sex, sexual orientation, age, national origin or ancestry, physical or mental disability, veteran status, as well as any other category protected by federal, state, or local laws. Any use of the Internet/World Wide Web or intranet to harass or discriminate is unlawful and strictly prohibited by the CCCOE.
3. No Illegal or Unethical Conduct: Employees shall not use the CCCOE's technology resources to engage in unethical practices or any activity prohibited by law, Board Policy or Administrative Regulation.

Personnel – All Personnel**STAFF ACCEPTABLE USE OF TECHNOLOGY**

4. No Duplication or Alteration of Data: Data, files, passwords, computer systems and programs, or other property of the CCCOE, may not be downloaded, duplicated, altered, removed or installed for purposes unrelated to the CCCOE's business without the prior, written authorization of the Chief Technology Officer.
5. No Downloading of Software or Copyrighted Material: Employees may not download any copyrighted material, or install any software, to the CCCOE's technology resources without the prior, written authorization of the Chief Technology Officer. For instance, a CCCOE employee may not download any software or electronic files without implementing virus protection measures that have been approved by CCCOE. This prohibition applies to the use of iPods (or similar equipment) and to the downloading of unauthorized instant messaging software. The Chief Technology Officer will not approve the downloading or installation of any copyrighted materials unless the CCCOE has first obtained a license or permission to do so. Failure to observe a copyright may result in legal action by the copyright owner. Any questions concerning these rights should be directed to the Chief Technology Officer.
6. No Unauthorized Monitoring or Interception: Only authorized employees may monitor, intercept or review the electronic communications or files of another employee. Employees shall not attempt to interfere or interfere with other users' ability to send or receive electronic communications, nor shall they attempt to read, delete, copy, modify or forge other users' electronic communications.
7. No Falsification of Identity: Users must never send e-mail from the account of another employee or use another employee's user ID and password to gain access to any system, thus misrepresenting himself or herself as that person. Users may not examine, change, or use another person's files, output, records, or user name for which they do not have explicit authorization.
8. No Sending or Receiving of Malicious Software: Employees should not knowingly upload, send or receive malicious software, *i.e.*, worms, viruses, or Trojan horses, using the CCCOE's technology resources. Employees should take care to avoid inadvertently sending, receiving, or opening malicious software. Employees, for example, should not open any e-mail attachments received from an unknown source. Additionally, employees shall not maliciously attempt to harm or destroy CCCOE equipment or materials or the data of any other user, including "hacking."

Personnel – All Personnel**STAFF ACCEPTABLE USE OF TECHNOLOGY**

9. No Solicitation: Solicitation, including advertisement, for outside business ventures, political purposes, charitable contributions, religious purposes, or non CCCOE activities or events using CCCOE resources, is prohibited. Employee postings are not permitted on the CCCOE's intranet.
 10. No Game Playing: Employees may not use the CCCOE's technology resources to play games, such as fantasy football, or to gamble.
 11. Use of Cellular Phones/Mobile Communication Devices: Employees shall not use a cellular phone or other mobile communication device for personal business while on duty, except in emergency situations and/or during scheduled work breaks.
 12. No Mass Distribution of Electronic Mail: Senders may not engage in blanket forwarding of messages to parties outside of the CCCOE's system or in sending e-mail to more than employees within the CCCOE unless the sender has obtained prior permission of the department manager.
 13. CCCOE discourages staff from engaging in social networking with students. Staff cannot have associations with students through virtual technology and/or posts on social networking Internet web sites if they are irregular, unprofessional, improper or imprudent in ways that negatively affect the goals of CCCOE, or are otherwise prohibited by CCCOE policy or procedures using technological resources. Any conduct, which reflects poorly upon personnel or CCCOE, may be grounds for disciplinary action. The County Superintendent of Schools has discretion in determining if conduct reflects poorly on our students, staff and CCCOE.
 14. An employee may not interfere with the normal operation of the CCCOE's network, including creating unsanctioned high-volume network traffic that substantially hinders others in their use of the network. This includes causing congestion or disruption of the CCCOE network through inappropriate downloads of large files, streaming audio/video, or other such activities.
- D. No Expectation of Privacy
1. Use of Electronic Resources Is Not Private or Confidential: Communications and files transmitted over, or stored on, the CCCOE's computer, e-mail, voice mail, systems, including back-up copies, whether for business or non-business reason, are not private or confidential. All Communications Are the CCCOE's Property: The CCCOE's computer,

Personnel – All Personnel**STAFF ACCEPTABLE USE OF TECHNOLOGY**

voice mail, e-mail systems, and the data stored on them, are and remain at all times the property of the CCCOE. As a result, computer data, voice mail messages, e-mail messages, instant messages and other stored data are readily available to numerous persons.

2. The CCCOE's Right to Monitor and Review Stored Communications and Files: The CCCOE may monitor, audit, delete and read any information stored on its information systems, including e-mail, voice mail systems, Internet usage, word processing documents, spreadsheets, *etc.*, at any time without advance notice or consent, and may copy, store, or delete any electronic communication or files and disclose them to others as it deems necessary. While it is not the CCCOE's policy to regularly monitor or review the contents of these communications or files, the CCCOE may do so at any time to support business, maintenance, auditing, security and investigative activities. Any electronically stored information that you create, send to, or receive from others may be retrieved and reviewed when doing so serves the legitimate business interests of the CCCOE. You should also be aware that, even when a file or message is erased, or a visit to a Web site is closed, the CCCOE still may be able to recreate the message or locate the Web site. The CCCOE's not exercising its rights with respect to certain communications or files in no way modifies or waives the CCCOE's right to monitor other electronic communications or files. The CCCOE's right to monitor may be altered or modified only in a writing signed by the County Superintendent of Schools.
3. The CCCOE May Override Any Password or Encryption: Although you may have passwords to access computer, voice mail, and e-mail systems, these technical resources still belong to the CCCOE, are to be accessible at all times by the CCCOE, and are subject to inspections by the CCCOE, with or without notice. The CCCOE may override any applicable passwords or codes to inspect, investigate, or search an employee's files and messages. All passwords must be made available to the Chief Technology Officer.

To facilitate the CCCOE's access to information on its computer and voice mail networks, you may not encrypt or encode any voice mail or e-mail communication or any other files or data stored or exchanged on the CCCOE's systems without the prior, written authorization of Chief Technology Officer. The Chief Technology Officer will not approve any such request unless you provide the Technology Systems Department with any password, encryption key or code, or software needed to access the encrypted information in your absence.

Personnel – All Personnel**STAFF ACCEPTABLE USE OF TECHNOLOGY**

4. Disclosures to Third Parties: All data transmitted over, or stored on, the CCCOE's electronic resources potentially is subject to disclosure, at the CCCOE's discretion, to law enforcement or to other third parties without prior consent of the sender or the recipient.
- E. Electronic Communications Through Third-Party Service Providers
1. Employees are prohibited from using any third-party electronic communications service, such as, Yahoo!, America Online, or a cell phone carrier's text messaging capability, to conduct CCCOE business unless the CCCOE is the subscriber to the service.
 2. Communications by employees through any third-party electronic communications service for which the CCCOE is the subscriber are subject to all CCCOE policies, including this policy.
 3. The CCCOE may request, at any time, that an employee execute a consent agreement to permit access by the CCCOE to electronic communications stored by a third-party electronic communications service for which the CCCOE is the subscriber. Employees are required to cooperate with the CCCOE in obtaining such consents as well as in the CCCOE's obtaining access to the stored communications.
 4. Upon the CCCOE's request, employees using a communications device, such as a Blackberry or a cell phone, issued, or paid for, by the CCCOE must provide the device to the CCCOE for inspection.
- F. Other
1. Users must immediately report violations of this policy or security issues to the County Superintendent of Schools or designee.
 2. Users may keep e-mails related to their job in their personal folders accessible through GroupWise. Users should purge messages monthly from their personal e-mail storage areas which the CCCOE no longer needs for business purposes. After a specified period, the Technology Systems staff will delete e-mail messages backed up to a separate data storage media to free scarce storage space. [See CCCOE Email Retention Policy AR4178.] This policy should be suspended by any user of the CCCOE's technology resources who receives notice that a "litigation hold" has been implemented.
 3. Employees are given access and the ability to use technology resources that students may not receive. Employees agree to monitor student's use of technology resources while under the employee's supervision.

Personnel – All Personnel**STAFF ACCEPTABLE USE OF TECHNOLOGY**

Employees shall not allow students access to the CCCOE's technology resources through the employee's own login and password and agree to maintain security on their computers, accounts, and the CCCOE's network.

4. Violations of this Policy may result in revocation of the privilege to use the CCCOE's technology resources as well as disciplinary action up to and including, dismissal and/or legal action in accordance with applicable law, collective bargaining agreements, Board Policy, and Administrative Regulations.
5. The CCCOE does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, the CCCOE reserves the right not to provide a defense or pay damages assessed against an employee for conduct in violation of this policy.
6. Although CCCOE will make a concerted effort to protect staff from adverse consequences resulting from use of CCCOE technology resources, all users must exercise individual vigilance and responsibility to avoid inappropriate and/or illegal activities. Users are ultimately responsible for their actions in accessing and using CCCOE computers and/or mobile devices and the CCCOE computer network. CCCOE accepts no liability relative to information stored and/or retrieved on CCCOE-owned technology resources. CCCOE accepts no liability for employee-owned technology resources used on CCCOE property.

CCCOE employees are expected to review, understand, and abide by the requirements described in this regulation, Board Policy 4177, and the procedures provided by the Technology Systems Department. The signature, at the end of this document, is legally binding and indicates that the party who signed has read the terms and conditions carefully and understands their significance. All employees must review and sign this document annually. CCCOE supervisors are required to enforce these policies and regulations consistently and uniformly. No supervisor has the authority to override the policies and regulations. Only the County Superintendent of Schools may override these policies and regulations and must do so in writing.

Personnel – All Personnel

STAFF ACCEPTABLE USE OF TECHNOLOGY

ACKNOWLEDGMENT

I hereby acknowledge that I have reviewed the CCCOE's Employee Acceptable Use Policy, BP 4177 and AR 4177. I understand that my use, or continued use, of the CCCOE's technology resources is conditioned upon my agreement to this Policy and Regulation and reflects my consent to this Policy. I hereby agree to abide by the Policy and Regulation. I also consent to the CCCOE's monitoring of my communications over the CCCOE's technology resources as described in the Policy and Regulation.

Signature: _____ Date: _____

Printed Name: _____

Regulation
approved: May 28, 1997

Regulation
amended: June 20, 2012
September 19, 2012

PERSONNEL – ALL PERSONNEL

CCCOE – Electronic Records

E-mail Retention and Deletion

Contra Costa County Office of Education provides employees with e-mail to communicate and conduct the business of Contra Costa County Office of Education. In doing so, Contra Costa County Office of Education expects employees to manage and protect records resulting from e-mail communications. Such e-mail may include, but is not limited to, correspondence and attachments, calendar schedules, and forms transmitted electronically.

A systemic retention and deletion program not only eliminates obsolete documents from the e-mail system, but also saves resources by not indefinitely and unnecessarily storing information beyond appropriate timelines. E-mail retention guidelines are implemented to comply with the Federal Rules of Civil Procedure, E-Discovery, and the Public Records Act.

E-mail retention guidelines apply to:

1. All staff e-mail systems provided by Contra Costa County Office of Education
2. All users and account holders of Contra Costa County Office of Education e-mail
3. All e-mail sent and received using a Contra Costa County Office of Education staff e-mail system

E-mail Timelines

Contra Costa County Office of Education will retain e-mail and attachments for a period of 18 months. E-mail and attachments older than 18 months will be automatically and permanently deleted.

To comply with the law in retaining of certain Contra Costa County Office of Education documents, Contra Costa County Office of Education employees may save copies of e-mail and attachments before the 18 month period expires by transferring them to other electronic formats or by converting them to paper format.

If an employee finds he/she has email that has a legal retention requirement longer than 18 months they are instructed to save this email as a PDF or MS Word file and store it within the agency network file system, (Group or Home Drive).

E-mail originators and recipients are responsible for identifying and saving documents that must be retained by law. Saving e-mail to workstations or archiving e-mail locally are not approved e-mail retention methods. All e-mail must remain on the e-mail retention server during the retention period.

PERSONNEL – ALL PERSONNEL

CCCOE – Electronic Records

E-mail Back-up

E-mail should be considered a communication tool, not a storage mechanism. Back-up tapes are for disaster recovery purpose only. Backup copies created by Technology Systems Department staff are not for e-mail retention. Back-up copies on tape should be retained for more than 12 months.

Legal Proceedings

Regardless of retention requirements, e-mail and all other electronic or paper documents pertaining to legal proceedings must be retained until the litigation is finally concluded. This may be referred to as a Legal Hold.

Regulation
approved: June 6, 2012

Criminal Record Information

This policy has been developed to meet the requirements of the State of California, Department of Justice, Bureau of Criminal Identification and Information, Field Operations and Record Security section for any agency that maintains or receives criminal history information.

To all Contra Costa County Office of Education Human Resources employees: To insure that the Contra Costa County Office of Education is aware of the background of employees accessing confidential criminal history records, they shall be fingerprinted and processed through the California Department of Justice.

The overall responsibility for the administration of the employee fingerprint and resulting criminal history information rests with the Director of Human Resources and/or his/her designee.

Record Security: Any questions regarding the release, security and privacy of Criminal Offender Record Information (CORI) are to be resolved by the Director of Human Resources and/or his/her designee.

Record Storage: CORI shall be under lock and key and accessible only to the Director of Human Resources and/or his/her designee; who are committed to protect CORI from unauthorized access, use or disclosure.

Record Dissemination: CORI shall be used only for the purpose for which it was requested by the Director of Human Resources and/or his/her designee.

Record Destruction: CORI shall be destroyed after employment determination has been made, and copies of same will be destroyed in such a way that the employee's name can no longer be identified.

Record Reproduction: CORI may not be reproduced for dissemination.

Training: Director or person in charge is required:

1. To read and abide by this policy
2. To themselves be fingerprinted and have a clearance check completed
3. To have on file a signed copy of the attached Employee Statement Form (which is itself a part of this policy), which acknowledges an understanding of laws prohibiting misuse of CORI.

Penalties: Misuse of CORI is a criminal offense. Violation of this policy regarding CORI may result in suspension, dismissal, and/or criminal or civil prosecution.

Legal Reference: California Code of Regulations: 702(c), 703(d), 708(a)

Policy
adopted: May 28, 1997

CONTRA COSTA COUNTY
OFFICE OF EDUCATION

USE OF CRIMINAL JUSTICE INFORMATION

As an employee of the Contra Costa County Office of Education, you may have access to confidential criminal record information which is controlled by statute. Misuse of such information may adversely affect the individual's civil rights and violates the law. Penal Code Section 502 prescribes the penalties relating to computer crimes. Penal Code Sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code Sections 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code Section 6200 prescribes the felony penalties for misuse of public record and CLETS information. Penal Code Sections 11142 and 13303 state:

“Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law.”

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may also result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____

Date: _____

Personnel - Classified

Topics Covered in Employee Agreement

For information on topics regarding Classified Personnel, see the current employee agreement with Public Employees Union, Local No. 1.

Policy
adopted: December 7, 1983

Policy
amended: May 28, 1997

Appointment and Conditions of Employment

The County Superintendent of Schools is empowered by Education Code Section 1311, subject to the pertinent laws and regulations of the state and the policies of the County Office of Education, to employ persons in positions not requiring certifications.

Selection shall be based on competence for the duties to be performed, and shall not be in conflict with the regulations of the California Fair Employment Practices Commission.

Temporary, substitute, short-term and student help may be appointed by the County Superintendent or designee.

Appointment Standards

Applicants for appointment to the classified staff shall fulfill the requirements and standards of the job description as developed by the Superintendent, and in addition they shall:

1. File the oath or affirmation of allegiance required by Government Code 3100-3109.
2. Submit to fingerprinting within the first ten (10) working days of employment as required by Education Code Section 45125. The fee for this fingerprinting shall be a charge against the County Office of Education.
3. When first employed and upon each subsequent change in classification, classified employees other than short-term, limited-term or provisional employees shall be given two copies of their class specification, salary data, assignment or work location, duty hours, and prescribed workweek. Salary data shall specify pay period (monthly, semimonthly or other) and applicable rates of compensation (daily, hourly, overtime and differential rates). Employees shall keep one copy of this information and shall sign and date the other copy and return it to their supervisor. (Education Code 45169)

For other information related to appointment and conditions of classified employment, see the current employee agreement with Public Employees Union, Local No. 1. This agreement is appended to this Policy/Administrative Regulation Manual.

Appointment and Conditions of Employment (continued)

Legal Reference: Education Code

- 44066 Limitation on Certification Requirements
- 45103 Classified Service in Districts Not Incorporating the Merit System.
- 45104 Positions Not Requiring Certification
- 45105 Positions Under Various Acts Not Requiring Certification; Classification
- 45113 Rules and Regulations for Classified Service in Districts Not Using the Merit System
- 45122 Physical Examinations
- 45125 Use of Personal Identification Cards to Ascertain Conviction of Crime
- 45169 Employee Salary Data
- 49406 Examination for Tuberculosis

Government Code

- 3100-3109 Oath on Affirmation of Allegiance

Labor Code

- 1420 Unlawful Employment Practices

Regulation
approved: December 7, 1983

Regulation
amended: May 28, 1997

Personnel - Classified

Health Examinations

Any employee may be required to undergo physical examination whenever the County Superintendent or designee determines that there is reason to believe that the employee is suffering from a disease or disorder which hampers or prevents the employee from discharging his/her assigned duties. Such examination shall be made by a physician appointed by the County Superintendent and shall be at the expense of the County Office of Education.

Applicants for Classified Positions

Applicants for classified positions must be willing to submit to such medical examinations as may be required by the County Superintendent or designee.

Cafeteria Personnel

All cafeteria personnel cooking, serving, or handling food are required to obtain a health certificate, including a blood test, before being assigned in any cafeteria operated by the County Office of Education. Periodic health examinations may be required.

Bus Drivers

Bus Drivers must meet all required standards set by the Department of Motor Vehicles for physical health.

Legal Reference: Education Code
 45122 Physical Examinations

Drivers License Manual of Procedure (DMV) Ch. 22

Regulation
approved: December 7, 1983

Regulation
amended: May 28, 1997

Personnel - Classified**SUBSTITUTE STATUS**

Employees who are hired on a day-to-day basis, and are subject to being assigned to different work locations to fill classified positions of regularly employed persons absent from service, shall be viewed as having substitute status. Such substitute employees will be paid at a rate specified for substitute personnel in the Contra Costa County Office of Education. Fringe benefits other than Workers' Compensation and unemployment insurance are not provided by the County Office of Education to substitute employees. Retired classified employees may be employed as substitute personnel without jeopardizing their retirement salaries within the limits prescribed by law.

Substitute employees are normally assigned to replace regular classified employees who are absent from duty for any of the following reasons: illness or injury; court appearances; jury duty; death of member in immediate family; emergency illness in immediate family; approved meetings and conferences; participation as a member of certain committees; participation in certain inservice meetings; and other reasons approved by the County Superintendent.

i) Short-term Temporary Status (Not Exceeding Thirty Work Days)

Employees not requiring certification qualifications who are hired to perform duties on a day-to-day basis, in assignments not exceeding thirty (30) work days where they are not filling positions occupied by regular classified employees, shall be viewed as short-term, temporary employees. Such employees shall be paid at a rate specified for substitute personnel where such substitute rate has been established. In the absence of an established classification for the work performed, an appropriate rate of pay will be established.

ii) Extended Short-term Temporary Status (Exceeding Thirty Work Days)

Employees not requiring certification qualifications who are hired to perform duties on a five percent (75%) of a school year (195 work days, including holidays, sick leave, vacation, and other leaves of absence, irrespective of number of hours worked per day), will be viewed as having an extended short-term, temporary status. Extended short-term, temporary employees do not receive fringe benefits, with the exception of Workers' Compensation and unemployment insurance.

Personnel – Classified

SUBSTITUTE STATUS

Application of Labor Agreements and Education Code Provisions

The provisions of this regulation shall not be in conflict with applicable provisions of existing labor agreements with classified representation units; nor with provisions of Education Code Sections 45102-45103 which provide that regular classified employees are to receive, on a pro-rata basis, not less than the compensation and benefits which are applicable to their regular classification for work performed in the same classification beyond their regular assignment.

Regulation
approved: July 17, 1984

Regulation
amended: August 15, 1984
May 28, 1997
March 7, 2007

Personnel - Classified

REIMBURSEMENT FOR EMPLOYEE SCHOOLING

(General Classified and Instructional Assistant Unit Members)

This regulation establishes guidelines for reimbursement of tuition and book expenses for employees in the General Classified and Instructional Assistant Units wishing to further their education.

The Contra Costa County Office of Education will reimburse employees an amount of up to \$300.00 annually for reimbursement of tuition and book expenses. The following conditions apply in qualifying for this reimbursement:

1. The employee occupies a classified position with the Contra Costa County Office of Education on a full-time basis.
2. The subject matter of the course, training program, or degree relates to the employee's work with the County Office of Education and is designed to improve the employee's job performance.
3. The course is in a school accredited by the Western Association of Schools and Colleges, the National Home Study Council, or by special permission as approved by the County Superintendent of Schools.
4. The class and study time are outside of the employee's working hours.
5. The course is completed with at least a "C" grade or a certificate of completion.
6. Textbooks or other materials required by the course are retained by the County Office of Education as reference materials or for reuse by other employees taking the same or similar courses in which the same book or materials are required. The County Superintendent, at his discretion, may allow an employee to keep such books and materials.

The County Superintendent is responsible for the overall implementation of this regulation and may delegate to the Director of Human Resources the following administrative procedures:

1. Prior to taking a course, the employee shall complete a Request for Tuition/Course Refund form and submit it to his/her Supervisor for their recommended approval. The Supervisor forwards the signed Request for Tuition/Course Refund form to the Director of Human Resources for approval of a course of study or training program. This form must be initiated by the employee prior to incurring any expenses.

Personnel - Classified

REIMBURSEMENT FOR EMPLOYEE SCHOOLING

(General Classified and Instructional Assistant Unit Members)

2. If the course is approved for reimbursement, the Director of Human Resources will so indicate by signing the form and returning the form to the employee, with Human Resources keeping a copy. If the course is disapproved, the form will be returned as disapproved to the employee.
3. Upon completion of the course, the employee shall submit a copy of the "Request for Tuition Refund" form (see attached) previously approved by the Director of Human Resources, along with the receipted bill for tuition and books and verification of satisfactory completion of the course to the Director of Human Resources.
4. The Director of Human Resources shall note the satisfactory completion of the course and forward the approved tuition refund request to Accounts Payable for payment.

Exclusions and Limitations

The annual amount of up to \$300.00 for reimbursement shall not be provided for such expenses as graduation fees, student body fees, binders, note papers, exam books, and miscellaneous supplies. Additionally, reimbursement shall not apply to any course or program conducted by an educational institution through a contractual relationship with any type of "educational broker" nor shall the County Office of Education recognize any "life experience" credits that may be granted by any educational institution.

Regulation
approved: September 15, 1988

Regulation
effective: July 28, 1988

Regulation
amended: May 28, 1997
July 19, 2000
September 18, 2002

REQUEST TUITION/COURSE REFUND

General Classified and Instructional Assistant Unit members are encouraged to take job-related courses to improve their educational background and job effectiveness.

The Contra Costa County Office of Education will reimburse General Classified and Instructional Assistant Unit members an amount of up to \$300 annually for tuition and book expenses. Textbooks or other materials required by the course are retained by the County Office as reference materials, or an employee may keep such books if prior approval has been granted.

To qualify, an employee shall obtain advance approval by submitting to the Director of Human Resources a "Request for Tuition Refund" form. The upper portion of the form should be completed and sent to the Supervisor at the time of enrollment or earlier. Upon recommendation of the supervisor, the Director of Human Resources will normally approve the course.

APPROVAL: If the course is approved, the copies are distributed as above. The employee is to retain the copies, tuition and book receipts until the course has been satisfactorily completed. Then the lower portion of the form is to be completed by the employee and submitted to the supervisor with the following attached:

- A. Documentation verifying satisfactory completion of the course
- B. Receipts for tuition expenses
- C. Receipts for required textbooks or course materials
- D. The textbooks or course materials for which the employee is receiving reimbursement, unless otherwise provided.

The supervisor signs the form and forwards it to the Director of Human Resources with all of the attachments. The Director of Human Resources determines the amount of reimbursement and approves the funded request. Then the Human Resources Department staff forwards the yellow copy with receipts to the business office for payment, files the original in the employee's file, and returns the pink copy to the employee.

REFERENCE: Administrative Regulation Personnel - Series 4000

Personnel - Classified

Duties of Classified Employees

The duties and responsibilities of the members of the classified service shall be as fixed and prescribed in the job descriptions as approved for each class.

Job descriptions will be maintained and made available as public records by the Human Resources Department. They may be kept in a separate manual or in a separate file in the Human Resources Department.

For other information related to the duties of classified personnel, see the current labor agreement with Public Employees Union, Local No. 1. This agreement is appended to this Policy/Administrative Regulation Manual.

Legal Reference: Education Code
1311 Employment of Classified Personnel by County
Superintendent
45109 Fixing of Duties (of classified employees)

Regulation
approved: December 7, 1983

Regulation
amended: May 28, 1997

Personnel - ClassifiedLeaves for Nonindustrial Illness or Injury

Extended Sick Leave

A. Each permanent classified employee who is absent from his/her duties because of nonindustrial illness or injury shall be entitled to use the following leaves:

1. Accrued sick leave
2. Difference pay to the end of a five-month period

(The five month period will commence on the first day of sick leave--Attorney General's Opinion No. 70-71; March 17, 1970.)

B. The amount deducted from the employee's salary for any month in which the absence occurs shall not exceed the amount paid to the substitute employed to fill the position during the absence.

C. An employee may first exhaust his/her accumulated sick leave, then has the option, in order to get an amount equal to a full day's pay, to use compensatory time off or vacation time for the balance of the five- month period (E.C. 45169).

The five-month period runs concurrently with the sick leave. After the employee has exhausted his/her other sick leave, he/she is entitled to full difference pay for the balance of any remaining period within the five months.

D. When a permanent classified employee has exhausted all entitlement to sick leave, vacation, compensatory overtime, or other available paid leave, the employee shall be notified, in writing, that paid leave has been exhausted and offered an opportunity to request additional leave, paid or unpaid, not to exceed six months. The Superintendent or his/her designee may renew the leave of absence, paid or unpaid, for two additional six-month periods or such lesser leave periods that it may provide but not to exceed a total of eighteen (18) months. The time lost shall not be considered a break in service (E.C. 45195).

E. If, at the conclusion of all leaves of absence for nonindustrial illness or injury, the employee is still unable to assume the duties of the position, the employee shall be placed on a reemployment list for a period of thirty-nine (39) months (E.C. 45195).

Personnel - Classified

Leaves for Nonindustrial Illness or Injury (continued)

For other information related to leaves for classified personnel, see the current labor agreement with Public Employees Union, Local No. 1. This agreement is appended to this Policy/Administrative Regulation Manual.

Legal Reference: Education Code

45196 Employee Salary Data

45195 Additional Leave for Nonindustrial Accident or Illness;
Reemployment Preference
Attorney General's Opinion No. 70-71

Regulation

approved: May 13, 1981

Regulation

effective: July 24, 1981

Regulation

amended: February 25, 1988

May 28, 1997

Personnel - Certificated

Topics Covered in Employee Agreement

For information on the topics regarding Certificated Personnel, see the current labor agreement with Contra Costa County Schools Education Association/CTA/NEA.

Policy
adopted: December 7, 1983

Policy
amended: May 28, 1997

Personnel - Certificated

Contracts

A permanent employee who fails without good cause to notify the County Superintendent prior to the first day of July of his/her intention to remain or not to remain in the service of the County Superintendent when requested by the Superintendent in writing to do so, not later than the preceding May 30, may be deemed to have declined employment and his/her services as an employee of the County Superintendent may be terminated on June 30 of that year.

Any certificated employee not under permanent status who fails to signify acceptance of employment within forty-five (45) consecutive calendar days, after notice of election of employment has been given or mailed to the employee by registered or certificated mail, shall be deemed to have declined the employment.

The County Superintendent may enter into contracts with certificated personnel for periods of time not to exceed beyond the school year in which the County Superintendent's term expires, and in any case for no more than four years and six months.

Legal Reference: Education Code

- 1293 Power to Contract with Certificated Employees
- 1294 Rights of Certificated Employees
- 1294.5 Employment of Certificated Employees
- 1296 Classification as Permanent Employee
- 44841 Acceptance of Election; When Employment Deemed Declined
- 44842 Automatic Declining of Employment

Regulation

approved: December 7, 1983

Regulation

amended: May 28, 1997

Personnel - Certificated

Certification

County Office Employees

1. All certificated personnel are personally responsible for the renewing of their credentials and for keeping them valid.
2. A person whose credential is not valid cannot be paid for the time service is rendered under such condition.
3. The County Superintendent will not employ a person for a position requiring certification if the required certificate is not registered with the County Office of Education. It is the responsibility of the candidate to register the required certificate(s) at the time of application.
4. Teachers may teach on emergency or provisional credentials, providing that no regularly credentialed teachers are available, but only in accordance with the provisions of Education Code Section 44254.

Services to Persons Needing Credential Assistance; Registration

1. Temporary Certificates

The County Board of Education may issue temporary certificates for the purpose of authorizing salary payment to employees whose credential applications are being processed, or for personnel employed in children's centers or other programs whose permit applications are being processed.

Applicants for a temporary certificate must sign a statement that they have duly filed an application for a permit and paid the required fee, and that no reason exists to the best of their knowledge for denial of a credential. Such certificate or permit shall not be validated for more than one hundred and twenty (120) days, or until the application has been issued or denied by the Commission for Teacher Preparation and Licensing.

2. Credentials and Registration Services

A credential may be registered with the County Superintendent any time during business hours.

The credential service of the County Office of Education will provide assistance to individuals to enable them to maintain credentials in good order, to help with the acquisition of additional credentials, and to keep up with the changing requirements of law.

Personnel - Certificated

Certification (continued)

Credential information and advice will be offered to persons seeking initial provisional credentials, either for full-time service or for substitute and part-time service.

District offices are expected to maintain and supervise the application and other papers necessary for processing credentials for renewals.

Legal Reference:

Education Code

32340 Illegal Issuance of Credentials

32341 Registration of Certificate

44036 Limitations on Certification Requirements

44250-44274 Credential Types

44330-44354 Certificates and Credentials of any kind whatever

Labor Code

1420 Unfair Labor Practices

Administration Code, Title 5

6025 et seq. Application for Credentials and Life Diplomas

Regulation
approved: December 7, 1983

Regulation
amended: May 28, 1997

Personnel - CertificatedHealth Examinations

Certificated employees may be required to undergo physical examination whenever the County Superintendent or designee determines that there is reason to believe that the employee is suffering from any communicable disease unfitting the applicant to instruct or associate with children. Such examination shall be made by a physician appointed by the County Superintendent and shall be at the expense of the County Office of Education.

Applicants for Certificated Positions

When the County Office of Education wishes to employ a person for a certificated position, and that person has not previously been employed in a position requiring certification qualifications in the State of California, a medical certificate showing that the applicant is free from any disabling disease unfitting the applicant to instruct or associate with children is required. The medical examination shall have been conducted within the six month period prior to the submission of the certificate and shall be at the expense of the applicant.

Legal Reference:

Education Code

44839 Medical Certificate; periodic medical examination.

Regulation
approved: December 7, 1983

Regulation
amended: May 28, 1997

Personnel - CertificatedChild Abuse & Neglect

The County Superintendent of Schools encourages staff to be sensitive to the growing incidence of child abuse and to be knowledgeable about resources available to assist in cases of alleged or suspected child abuse and neglect. The County Superintendent will develop appropriate procedures and regulations for addressing alleged or suspected child abuse and neglect.

Legal Reference:

Education Code
44690 et seq. Staff Development in the Detection of Child
Abuse and Neglect

California Penal Code
Sections 273a, 11161.5, 11161.6, 11166

Welfare and Institutions Code
Section 600

Policy
adopted: July 6, 1983

Policy
amended: April 24, 1985
May 28, 1997

Personnel-CertificatedReporting Incidents of Child AbuseLegal Requirements

State law requires that every school agency employee who falls within certain categories be familiar with the laws relating to child abuse reporting requirements. Such employees must, before beginning employment, sign a statement signifying that they have knowledge of the reporting requirements and will comply with them.

Report of a Known or Suspected Instance of Child Abuse

Certificated employees who, in their professional capacity, observe a child that has been the victim of child abuse or observe a child that is suspected of being a victim of child abuse, must report the known or suspected instance of child abuse to a child protective agency. This reporting must be done immediately or as soon as practically possible by telephone. Certificated employees must prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident. The report shall be made on Form 11166 PC, Suspected Child Abuse Report (see attached sample).

Receipt and Acknowledgment of Child Abuse Reporting Requirements

Before beginning employment with the Contra Costa County Office of Education, certificated employees must sign a statement indicating that they have knowledge of the reporting requirements and will comply with them. (See attached sample of statement.) A copy of Penal Code Section 11166 explaining the procedure for reporting child abuse will be attached to the signed statement and placed in the employee's personnel file. The employee will also be provided with a copy of the signed statement and a copy of Penal Code Section 11166.

Legal Reference: Penal Code
Section 11166

Regulation
approved: July 6, 1983

Regulation
amended: April 24, 1985
May 28, 1997

RECEIPT AND ACKNOWLEDGMENT OF CHILD ABUSE REPORTING REQUIREMENTS

Section 11166 of the Penal Code requires any child care custodian, health practitioner, employee of a child protective agency or child visitation monitor who has knowledge of or observes a child in his/her professional capacity or within the scope of his/her employment whom he/she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

"Child care custodian" includes teachers; an instructional aide, a teacher's aide, or a teacher's assistant employed by any public or private school, who has been trained in the duties imposed by this article, if the school district has so warranted to the State Department of Education: a classified employee of any public school who has been trained in the duties imposed by this article, if the school has so warranted to the State Department of Education: administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school: administrators of a public or private day camp; administrators and employees of public or private youth centers, youth recreation programs and youth organizations; administrators and employees of public or private organizations whose duties require direct contact and supervision of children and who have been trained in the duties imposed by this article; licensees, administrators and employees of licensed community care or child day care facilities: headstart teachers; licensing workers or licensing evaluators; public assistance workers; employees of a child care institution including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities; social workers, probation officers or parole officers; employees of a school district police or security department: any person who is an administrator or a presenter of, or a counselor in, a child abuse prevention program in any public or private school; a district attorney investigator, inspector, or family support officer unless the investigator, inspector or officer is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor; or a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of this code, who is not otherwise described in this section.

"Health practitioner" includes physicians and surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, optometrists, or any other person who is licensed under Division 2 (commencing with Section 500) of the Business and Professions Code: marriage, family and child counselors; emergency medical technicians I or II, paramedics, or other persons certificated pursuant to Division 2.5 (commencing with Section 1797) of the Health and

**RECEIPT AND ACKNOWLEDGMENT
OF CHILD ABUSE REPORTING REQUIREMENTS (continued)**

Safety Code: psychological assistants registered pursuant to Section 2913 of the Business and Professions Code; marriage, family and child counselor trainees as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code; unlicensed marriage, family and child counselor interns registered under Section 4980.44 of the Business and Professions Code; state or county public health employees who treat minors for venereal disease or any other condition; coroners; paramedics; and religious practitioners who diagnose, examine, or treat children.

"Child visitations monitor" means any person as defined in Section 11165.15.

I have been informed of the above law and will comply with its provisions.

(Employee's Name - Please print)

(Date)

(Employee's Signature)

This statement is a permanent record of the district; The cost of printing, distribution, and filing of these statements is borne by the district.

This subdivision is not applicable to persons employed by child protective agencies, public or private youth centers, youth recreation programs and youth organizations as members of the support staff or maintenance staff and who do not work with, observe, or have knowledge of children as part of their official duties.

Substitute and Temporary Teachers

Substitute

Certificated employees who are hired on a day-to-day basis and are subject to being assigned to different work locations to fill positions of regularly employed persons absent from service, shall be classified as substitute employees as defined in Education Code Section 44917. Employees who substitute for ROP and Adult Education teachers who are paid on an hourly rate basis are excluded from this definition. A substitute teacher shall be fully qualified to teach in California schools. Such employees will be paid at a rate specified in the salary and compensation practices for substitute teaching personnel in the Contra Costa County Office of Education. Substitute employees are not eligible for fringe benefits provided by the County Office of Education. Retired teachers may be employed as substitute teachers without jeopardizing the retirement salary within the limits prescribed by law.

Substitute employees are normally assigned to replace regular teachers who are absent from duty for any of the following reasons: illness or injury; court appearance; jury duty; death of member in immediate family; emergency illness in immediate family; approved educational meetings and conferences; participation as a member of certain committees; participation in certain inservice meetings; and other reasons approved by the County Superintendent.

Short-term Temporary

Certificated employees hired to teach or perform other duties on a day-to-day basis at the same work site not lasting longer than three (3) months during any school year, are classified as short-term, temporary employees. Such employees will be paid at a flat hourly rate. Employees hired to substitute for ROP and Adult Education teachers will also be paid at the flat hourly rate.

Long-term Temporary

Certificated employees hired to replace regular employees beyond three (3) months during any school year are classified as long-term, temporary employees. Such employees will be paid the flat hourly rate as specified above in short-term, temporary assignments (except where it is initially known that the long-term, temporary assignment will be for at least seventy-five percent (75%) of the basic work year. In such instance, the long-term substitute employee will be issued a contract specifying long-term, temporary employment, and will be paid at an appropriate rate specified in the regular teachers' salary schedule. Long-term, temporary employees may receive fringe benefits where they are replacing a regular employee on an approved leave of absence.

Regulation

approved: July 29, 1981

Regulation

amended: October 19, 1982

July 17, 1984

December 1, 1984

January 28, 1988

May 28, 1997

Decision Not to Rehire Probationary Employee

The County Superintendent may decide not to rehire a probationary employee at the end of his/her first year and give written notice of such decision to the employee at any time during the year. If the Superintendent does not give written notice, the employee shall be rehired for the following year.

The Superintendent may decide not to hire a probationary employee at the end of his/her second consecutive year and give written notice to the employee on or before March 15. If the Superintendent does not give written notice on or before March 15, the employee shall be hired for the following year.

The above-outlined procedures do not apply when there is need to effect staff reductions. In such instance, a probationary employee has specific hearing and reemployment rights as described in Education Code Sections 44949 and 44955.

Legal Reference:

- Education Code
- 44929.21 Districts with Daily Attendance of 250 or more
- 44949 Cause, Notice, and Right to Hearing Required for Dismissal of Probationary Employee
- 44955 Reduction in Number of Permanent Employees

Regulation
approved: June 24, 1992

Regulation
amended: May 28, 1997

Early Retirement Consultancy Contract

Any retirant who is retired from service may be employed by the County Office of Education for not more than the number of days and amount of dollars currently provided by law in any fiscal year.

The County Superintendent is under no obligation to continue such contracts, since they are issued in response to a need of the County Office of Education.

Persons employed under this regulation, whether day to day or by contract, will continue to receive the normal retirement allowance and will not be reinstated in the retirement plan so long as the limitations provided by law are not exceeded.

Legal Reference: Education Code
 23919 Reemployment of Service Retirant

Regulation
approved: December 7, 1983

Regulation
amended: May 28, 1997

4318.1(a)

Personnel - Certificated

Duties of Personnel

Responsibilities of Teachers to Local School District

When a teacher employed by the County Superintendent is assigned to teach a class in facilities owned by a local school district, the teacher is expected to participate in the regular assignments and activities of that school such as yard duty, staff meetings, PTA meetings, and school functions.

Regulation
approved: December 7, 1983

Regulation
amended: May 28, 1997

Personnel - Certificated

Rules of Conduct for Professional Educators

Certificated staff members should accept as guiding principles, and abide by, the Rules of Conduct for Professional Educators, printed in the Administrative Code, Title 5, Sections 80331-80338.

The Superintendent recognizes the need for professional enforcement of these rules of conduct, and solicits the assistance and support of the teacher organization in such enforcement.

Legal Reference: Administrative Code, Title 5
 80331-80338

Policy
adopted: December 7, 1983

Policy
amended: May 28, 1997

Rules of Conduct for Professional Educators

General Provisions

1. These rules are binding upon every person holding a credential or any license to perform educational services under the jurisdiction of the Commission on Teacher Credentialing, and the consequences of any willful breach may be revocation or suspension of the credential, or license, or private admonition of the holder.
2. Nothing in these rules is intended to limit or supersede any provision of law relating to the duties and obligations of such duties and obligations. The prohibition of certain conduct in these rules is not to be interpreted as approval of conduct not specifically cited.
3. These rules may be cited and referred to as "Rules of Conduct for Professional Educators".
 - A. "Certificated person" means any person who holds a certificate, permit, credential, or other license authorizing the performance of teaching or education-related service in grades K through 12 in California public schools.
 - B. "Professional employment" means the performance for compensation of teaching or other education-related employment in a position for which certification requirements are set by law.
 - C. "Confidential information" means information made confidential by Section 35301 of the Education Code; or information which was provided to the certificated person solely for the purpose of facilitating his/her performance of professional services for or on behalf of the person or employer providing such information.

Professional Candor and Honesty in Letters or Memoranda of Employment Recommendations.

1. A certificated person shall not write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person whom the writer knows will use the letter or memorandum to obtain professional employment; nor shall he/she agree to provide a positive letter of recommendation which misrepresents facts as a condition of resignation or for withdrawing action against the employing agency.
2. This rule has no application to statements identified in the letter or memorandum as personal opinions of the writer, but does apply to unqualified statements as fact that which the writer does not know to be true, or to statements as fact that which the writer knows to be untrue.

Rules of Conduct (continued)

Withdrawal from Professional Employment

1. A certificated person shall not abandon professional employment without good cause.
2. "Good cause" includes, but is not necessarily limited to, circumstances not caused by or under the voluntary control of the certificated person.

Unauthorized Private Gain or Advantage

A certificated person shall not:

1. Use for his/her own private gain or advantage or to prejudice the rights or benefits of another person any confidential information relating to students or fellow professionals.
2. Use for his/her own private gain or advantage the time, facilities, equipment, or supplies which are the property of his/her employer without the express or clearly implied permission of his/her employer.
3. Accept any compensation or benefit or thing of value other than his/her regular compensation for the performance of any service which he/she is required to render in the course and scope of his/her certificated employment. This rule shall not restrict performance of any overtime or supplemental services at the request of the school employer; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents or other persons in recognition or appreciation of service.

Performance of Unauthorized Professional Services

A certificated person shall not:

1. Knowingly, accept an assignment to perform professional services if he or she does not possess a credential authorizing the service to be performed unless he or she has first exhausted any existing local remedies to correct the situation; has then notified the County Superintendent of Schools in writing of the incorrect assignment; and the County Superintendent of Schools has made a determination, within forty-five (45) days of receipt of the notification, that the assignment was caused by extraordinary circumstances which make correction impossible, pursuant to the procedures referred to in Education Code Section 44258.9(f) (2) and (3).

Rules of Conduct (continued)

Performance of Unauthorized Professional Services (continued)

2. Knowingly and willfully assign or require a subordinate certificated person to perform any professional service which the subordinate is not authorized to perform by his or her credential, or which is not approved by appropriate governing board authorization, unless he or she has made reasonable attempts to correct the situation but has been unsuccessful; and has notified the County Superintendent of Schools of those attempts, and the County Superintendent of Schools has determined, within forty-five (45) days of being notified of the assignment, that the assignment was caused by extraordinary circumstances which make correction impossible.
3. Neither (1) nor (2) shall be applicable in a situation where extraordinary circumstances make the correction of the misassignment impossible.
4. There shall be no adverse action taken against a certificated person under this rule for actions attributable to circumstances beyond his or her control.

Performance with Impaired Faculties

1. A certificated person shall not:
 - A. Perform or attempt to perform any duties or services authorized by his or her credential during any period in which he or she knows, or is in possession of facts showing that his or her mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.
 - B. Assign or require or permit a subordinate certificated person to perform any duties authorized by his or her credential during any period in which the superior certificated person knows of his or her own knowledge, or is in possession of facts showing that the subordinate certificated person's mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.
 - C. For the purpose of this rule, substantial impairment means a visible inability to perform the usual and customary duties of the position in a manner that does not represent a danger to pupils, employees, or school property. It does not include or mean inability attributable to lack of, or inadequate, professional preparation or education.

Rules of Conduct (continued)

Harassment and Retaliation Prohibited

No certificated person shall directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever which tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any certificated person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the governing board of a school district, the Commission on Teacher Credentialing or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these rules of professional conduct.

Discrimination Prohibited

A certificated person shall not, without good cause, in the course and scope of his or her certificated employment and solely because of race, color, creed, gender, national origin, handicapping condition or sexual orientation, refuse or fail to perform certificated services for any person.

Regulation
approved: April 13, 1994

Regulation
amended: May 28, 1997

Professional Growth Program

The County Superintendent of Schools is committed to a Professional Growth Program for credential holders in meeting requirements to renew their credentials. The County Superintendent will develop administrative regulations reflecting Education Code provisions for a certificated Professional Growth Program.

Legal Reference: Administrative Code, Title V, 80550-80565
 Education Code Sections 44277-44279
 Professional Growth Requirements

Policy
adopted: February 10, 1988

Policy
amended: May 28, 1997

Professional Growth Program

Education Code provisions address certificated professional growth requirements for the renewal of certain California credentials. Guidelines for the implementation of these requirements have been developed by the Commission on Teacher Credentialing and are described in the "California Professional Growth Manual."

Responsibilities

1. The Contra Costa County Office of Education takes a position of commitment to assist and facilitate our credential holders in meeting the professional growth requirements to renew their credentials, should they be affected by this law.
2. Specific program administrators are designated as "professional growth advisors."
3. The Human Resources Department will assist in a liaison role for the Professional Growth Program.
4. Any affected credential holder who serves as a substitute teacher with the County Office is authorized to work with any professional growth advisor in the same manner as regular employees.
5. Because of the County Office's service philosophy, professional growth advisor assistance may be made available to non-employed credential holders who reside in Contra Costa County.
6. Any disputes or issues that may arise between advisors and holders of renewable credentials in regard to the provisions of law may be referred to the Commission on Teacher Credentialing for resolution.
7. The Human Resources Department will develop and maintain procedures and/or guidelines implementing the professional growth regulations, Commission on Teacher Credentialing guidelines, and the mandatory provisions of Education Code Section 44277.

Affected Credential Holders

1. The new professional growth requirements are for renewals of a credential holder's first clear single or multiple subject teaching credential issued after August 31, 1985. Any teachers who receive their first clear single subject or multiple subject credential before September 1, 1985 are exempt from the professional growth requirements. Renewal requirements do not apply to any certificated staff member with a specialist, designated subjects, or a services credential; also, teachers serving under a preliminary, life, or emergency credential are not subject to professional growth requirements.

Professional Growth Program (continued)

Procedures for Affected Credential Holders

1. Review California Professional Growth Manual prior to selecting/meeting with professional growth advisor. (Manual mailed directly from the Commission on Teacher Credentialing when credential holder receives first professional clear credential and each renewal thereafter.)
2. Review attached pages 6-7 of the Professional Growth Manual, "Outline of Credential Holder's Responsibilities for Professional Growth Renewal Requirements."
3. Credential holders are encouraged to seek assistance from designated professional growth advisors.
4. It is the credential holder's responsibility to initiate all action, obtain all signatures, maintain all records, and complete all necessary credential renewal documents. (Contact the Credentials Analyst for any questions or assistance regarding the renewal process.)

Procedures for Professional Growth Advisors

If and when you are contacted by a credential holder to serve as his/her professional growth advisor:

1. Verify the credential holder has received and reviewed the California Professional Growth Manual. (Affected credential holders will receive a copy of this manual directly from the Commission on Teacher Credentialing when they receive their first professional clear credential and each renewal thereafter.)
2. Review attached pages 9-10 of the Professional Growth Manual, "Responsibilities and Rights of Professional Growth Advisors."
3. In discussing County Office and/or your program staff development needs, you may want to obtain a list of current staff development activities from:
 - A. Your program administrator
 - B. Teacher Education Computer (TEC) Center
 - C. Curriculum and Instruction Unit

Personnel - Certificated

4331(c)

Professional Growth Program (Continued)

4. When the initial "Professional Growth Plan and Record Form" has been completed and you have certified the initial plan, please forward a copy to the Credentials Analyst.
5. Encourage credential holders to complete form titled "Verification of Successful Service." This form is signed off by an authorized person in the Human Resources Department if their service has been with the County Office (p. 40, Manual).
6. Record keeping and submitting forms to Commission on Teacher Credentialing: It is the credential holder's responsibility to maintain all activity records, obtain signatures, and submit necessary forms and documents in a timely manner to the Commission on Teacher Credentialing.
7. Contact the Credentials Analyst for additional assistance or if you have any questions.

Regulation
approved: February 11, 1988

Regulation
amended: May 28, 1997

RESPONSIBILITIES AND RIGHTS OF CREDENTIAL HOLDERS

The purpose of this section of the Manual is to explain the credential holder's responsibilities and rights in completing the professional growth and service requirements.

1. Professional Growth Goals. The credential holder has a responsibility to formulate one or more professional growth goals, to write the goals on the Professional Growth Plan, and to discuss the goals with a professional growth advisor before beginning to engage in professional growth activities. The credential holder has a responsibility to formulate goals that are based on an assessment of his or her professional growth needs. The individual must be prepared to discuss the basis for the goals with the advisor, but the credential holder has the right to determine his or her own professional growth goals.
2. Professional Growth Advisor. The credential holder has a right to choose his or her own professional growth advisor from those advisors that have been designated by his or her employing agency. (If no suitable advisors have been designated, or if the credential holder is not employed in a public school, see page 18 of this Manual.)
3. Professional Growth Activities. The credential holder has a responsibility to discuss potential activities with the professional growth advisor, and to select activities that are likely to contribute to his or her competence, performance or effectiveness in the profession of education. It is the credential holder's right to select his or her professional growth activities, but he or she should not begin the activities until the advisor has determined that they comply with state laws and regulations.
4. Amendments to the Plan. The credential holder has a right to change any element of a Professional Growth Plan at any time. He or she should not begin to pursue the amended goals or activities until the advisor has determined that they comply with the laws and regulations. No advisor or other person has the right to compel a credential holder to change a Plan that has previously been determined to comply with the laws and regulations.
5. Record of Hours Spent. The credential holder has a responsibility to record accurately the number of clock hours that have been spent on completed activities. A credential holder who willfully signs and submits an inaccurate record which he or she knows to be false is subject to the penalties for perjury and unprofessional conduct.
6. Verification of Time Spent. After completing activities, it is the responsibility of the credential holder to give the advisor reasonable verification of time spent, if the advisor requests it. Reasonable verification could include (but need not be limited to) college transcripts, materials distributed at workshops or staff development programs, records of conference attendance, or other tangible evidence of time spent.

RESPONSIBILITIES AND RIGHTS OF CREDENTIAL HOLDERS (continued)

7. Credit for Hours Spent. The credential holder has a right to receive full credit for all hours spent at professional growth activities (a) that are identified on a Professional Growth Plan signed by an advisor, and (b) for which reasonable verification of time spent has been presented to an advisor.

A credential holder may need to change advisors before completing all of the activities in a Plan. If this occurs, the credential holder should record time already spent in Item 17, and the advisor should initial each activity for which the credential holder provides reasonable verification.

The credential holder retains the right to credit for time spent even if he or she changes from one employer or assignment to another, or if the advisor changes, or if the credential lapses.

8. Completion and Submission of Forms. The credential holder has a responsibility to fill out all items except Items 10, 16, 19, and 21 on the Professional Growth Plan and Record, and to submit this form to his or her professional growth advisor for discussion. The credential holder also has a responsibility to fill out the top portion of the Verification of Successful Service, and to present this form to each employing agency for verification. Once the advisor has signed Items 19 and 21 on the Professional Growth Plan and Record, and each employing agency has signed the Verification of Successful Service, the credential holder has a responsibility to submit both of these documents to the Commission on Teacher Credentialing, along with a credential renewal form (yellow) and fee in order to renew the credential.
9. Appeal of Adverse Action. The credential holder has a right to appeal to the Commission on Teacher Credentialing if the advisor has taken an adverse action that the credential holder considers to be unfair, arbitrary or contrary to the terms of the law, regulations or this Manual. For details regarding the appeal procedures and grounds for appeals, see page 19 of this Manual.
10. Reinstatement of Expired Credential. The credential holder has a right to request, in accordance with the terms of Education Code Section 44279, that the Commission on Teacher Credentialing reinstate an expired Single Subject or Multiple Subjects Teaching Credential that has been granted after August 31, 1985. For details regarding the reinstatement requirements and terms, see page 18 of this Manual.

RESPONSIBILITIES AND RIGHTS OF PROFESSIONAL GROWTH ADVISORS

The following paragraphs outline the responsibilities and rights of professional growth advisors.

1. Know the Requirements. A professional growth advisor should know the contents of this Manual, discuss these with the credential holder, and answer questions. The advisor should serve as a source of helpful information about the credential holder's obligations.
2. Recommend Activities. An advisor should discuss with the credential holder the staff development needs of the employing agency and the school. He or she has a right to recommend professional growth activities and domains of activities, but the advisor does not have a right to compel the credential holder to pursue particular activities.
3. Advise Credential Holders. An advisor should advise credential holders about their professional growth plans and activities. He or she may ask questions, make observations and suggestions, and assist credential holders in obtaining information about professional growth opportunities.
4. Use of the Standards. An advisor has a responsibility to determine whether activities identified on a Professional Growth Plan satisfy the standards that are explained on pages 11-17 of this Manual. The advisor has a right to ask a credential holder to explain how or why one or more planned activities satisfy (or are likely to satisfy) one or more standards. If the planned activities are consistent with the standards, the advisor has a responsibility to sign Item 19 on the Professional Growth Plan. If one or more of the planned activities do not satisfy one or more of the standards, the advisor has a responsibility to inform the credential holder.
5. Categories of Activities. When an advisor discusses the Professional Growth Plan with the credential holder, the advisor should indicate that the Professional Growth Record must include activities in two or more categories listed on pages 13-17, if two or more categories are not reflected in the original Plan.
6. Additions to a Professional Growth Plan. An advisor has the responsibility to initial any addition to a Plan that is consistent with the standards on pages 11-17. The advisor should initial added goals in Item 10 and added activities in Item 16 of the Plan.
7. Activities Already Begun. An advisor does not have a responsibility to sign Item 19 on the Professional Growth Plan if the credential holder has already begun to pursue one or more of the activities identified on the Plan. The advisor may sign Item 19 if the advisor believes that the credential holder had a good reason for beginning the activities before the Plan was signed.

RESPONSIBILITIES AND RIGHTS OF PROFESSIONAL GROWTH ADVISORS
(continued)

8. Verification of time Spent. An advisor has a responsibility to examine Items 17-18 on a credential holder's Professional Growth Plan and Record. He or she has a right to require the credential holder to provide reasonable verification that Items 17-18 are accurate.

If a credential holder needs to change advisors before completing the activities in a signed Plan, the original advisor should initial each activity in Item 17 for which he or she has seen reasonable verification.

9. Sign a Professional Growth Record. An advisor has a responsibility to sign Item 21 on a Professional Growth Plan and Record if (a) he or she believes all of the information is accurate, based on verification by the credential holder or a previous advisor, and (b) the activities were identified on a Professional Growth Plan signed by an advisor. If the Professional Growth Plan and Record does not satisfy one or both of these conditions, the advisor has an obligation to inform the credential holder.
10. Independence from Performance Evaluations. A professional growth advisor must discharge his or her responsibilities independently of any evaluation of the credential holder's performance that is conducted to determine the credential holder's employment status.

Personnel - CertificatedSick Leave Accrual for Temporary Adult Education Teachers

Adult Education teachers who have a work assignment that is not more than fifty percent (50%) of a full-time load, and are classified as temporary under Education Code Section 44887, shall accrue sick leave on a pro rata basis of the amount granted to a full-time certificated employee. A sick leave accrual factor of .0559 shall apply for each hour worked by a temporary adult education teacher. This factor is based upon the annual accrual rate of ten (10) days sick leave provided to a full-time basic work year assignment of six and one-half (6 1/2) hours per day for 179 days.

The effective date of the sick leave accrual provision for temporary adult education teachers shall be July 1, 1982. The use of accrued sick leave shall be in accordance with existing provisions covering regular full-time teachers.

Legal Reference: Education Code 44978

14 Ops. Atty. Gen. 193

Regulation
approved: March 30, 1983

Regulation
amended: May 28, 1997

Personnel - Management

Recruitment and Selection

The County Board of Education will be informed *of* the final selection of an individual, including a transfer of a management employee, to fill a management position.

Policy
adopted: November 3, 1982

Transfer/Reassignment

1. Employee Initiated Transfer or Reassignment

Any person in a management position may request transfer or reassignment to any position within the employee's classification provided that the transfer request is countersigned (not necessarily approved) by the employee's immediate supervisor. The Superintendent will evaluate the request, taking into consideration such factors as the welfare of the students, qualifications and service of the employee, suitability for the position requested, other applications and transfer requests for the position, and overall needs of the office. The County Superintendent will approve or disapprove the request, and the decision is final. (See Policy No. 4400)

Any person in a management position may request reassignment to another classification in management or teaching using the above procedure.

The request for transfer or reassignment may be withdrawn at any time up to the decision by the County Superintendent. The decision will be made, if possible, prior to the beginning of the contract year.

2. Employer Initiated Transfer or Reassignment

The County Superintendent may transfer an employee to another position in the same classification when the transfer will, in the Superintendent's opinion, be in the best interests of the County Office. Involuntary transfers may be made for a variety of reasons, including but not limited to: professional growth of an employee; opportunity to evaluate the employee in a different managerial situation; cancellation or reduction of a particular program; closing of a school or program due to declining enrollment; loss of County Office funding; reorganization of the County Office; and illness or disability of other management personnel.

Involuntary transfers will be made prior to the commencement of the fiscal year whenever possible, but conditions may require such transfer at any time.

A management employee transferred under these rules may request a written statement of the reasons for the transfer, and the request will be granted immediately. The employee may also request a meeting with the County Superintendent or designee to discuss the transfer and the reasons for it. The Superintendent's decision following the meeting shall be final. (See Policy 4415)

Legal Reference: Education Code

- 1293 Power to Contract with Certificated Personnel
- 44850.1 No Tenure in Administrative Supervisory Positions
- 44896 Transfer of Administrator or Supervisor to Teaching Position
- 44951 Continuation in Position Unless Notified

Regulation

approved: December 7, 1983

Regulation

amended: July 9, 1997

Extra Pay for Extra Work

Exemption of Management Employees From Overtime Provisions

All management employees are exempt from overtime provisions. Employees at this level are expected to do whatever is necessary for the efficient performance of their duties, regardless of the amount of time required or the actual time schedule involved. It is understood that management employees are responsible to schedule their work hours to best meet the needs of the County Office of Education. Normal work hours will be consistent with the work schedule of subordinate staff or hours the office is open.

Regulation
approved: September 26, 1979

Regulation
amended: July 9, 1997

Personnel - Management**COMPENSATION AND WORK YEAR**

The compensation for positions occupied by managerial employees shall be reviewed at least annually. The County Superintendent of Schools directs his/her appropriate designee to establish guidelines to equitably compensate employees in managerial positions.

Compensation for employees in managerial positions is intended to maintain fair and equitable internal relationships and to be reasonably competitive with current trends in compensation provided to employees occupying comparable-level managerial positions in other County Offices of Education, school districts, and related agencies.

Such compensation is normally provided to reflect the greater level of overall program or departmental responsibility that is characteristic of managerial-level positions.

Managerial compensation is also intended to be commensurate with actual job performance; to provide motivation for greater future accomplishment in achieving program or departmental goals within available resources; and to recognize extraordinary performance and exceptional contribution to departmental and overall agency programs and goals.

Work Year

The minimum work year for all full-time certificated managers and professional administrative staff for purposes of Cal-STRS service credit as defined in the California Education Code is 215 days per year or 1,720 hours per year including school and legal holidays.

The work year for all full-time classified managers and confidential staff is 260 days or 2,080 hours per year including school and legal holidays.

Legal Reference: Education Code section 22138.5

Policy
adopted: December 7, 1983

Policy
amended: July 9, 1997
October 5, 2011

Personnel - ManagementCompensation

Compensation means all salary, benefits, prerequisites, or any other valuable consideration as defined under the broad meaning of employee compensation.

Management employee means any employee defined and determined to be a "managerial employee" in accordance with Article I, Section 3540.1 of the Government Code governing employer/employee relations in public school systems within the State of California.

For each existing managerial classification the following procedure shall apply:

The County Superintendent of Schools shall prepare or cause to be prepared a compensation recommendation that may include salary range adjustments and revisions to the benefit program for managerial positions. Salary range adjustments shall maintain a five-step range for each classification, with intervals between steps of approximately five percent (5%). Advancement in salary up to the fifth step in the established salary range shall be based upon satisfactory performance of each position incumbent.

In developing the total compensation recommended for each managerial classification/position, consideration will be given but not limited to:

- (1) Maintaining or establishing an appropriate internal relationship with the base compensation provided for a related or subordinate classification/position;
- (2) Maintaining or establishing a competitive relationship with reasonably similar positions in other comparably sized agencies. Such external comparison will apply where a sufficient number of reasonably similar positions can be identified;
- (3) Recruiting and retaining qualified employees for the various managerial positions within the County Superintendent of Schools Office workforce.
- (4) Establishing job qualification standards that relate to education, experience, training, and skill requirements; and
- (5) Benefit programs that apply to other County Superintendent of Schools Office employees, or that are requested by managerial employees.

Personnel - Management (continued)Compensation (continued)

In developing the total compensation recommendation, discussions will be held by the County Superintendent of Schools with all managerial employees covered under this statement. These discussions will include a review of specific employee concerns, available salary and benefit information requested, and proposed salary and/or benefit recommendations. The County Superintendent of Schools will seek general agreement or understanding with each managerial employee and his/her supervisors prior to the implementation of revisions to the overall compensation plan for managerial employees.

Regulation

approved: July 29, 1981

Regulation

effective: July 1, 1981

Regulation

amended: December 7, 1983
July 9, 1997

Retroactive Pay for Retirees

Management employees who retire during any fiscal year in which retroactive pay is granted to current management employees shall also be accorded such retroactive pay irrespective of the date of retirement in the fiscal year in which retroactive pay applies to regular management employees.

This retroactivity provision for management employees who retire during any fiscal year in which retroactive pay increases for management have been granted, is based upon the fact cost-of-living adjustments are normally delayed until such time as contract agreements are reached with one or more of the recognized employee organizations.

Regulation
approved: September 26, 1991

Regulation
amended: July 9, 1997

Personnel - ManagementSalary GuidesPlacement on Management Salary Schedule

All management employees are to be placed on the appropriate salary range established for their respective classification. Upon initial employment, placement at Step One of the appropriate salary range shall normally apply. Adjustment to Step Two shall be considered following six (6) months of satisfactory work performance. Consideration for each subsequent step adjustment shall be after completion of one (1) year of satisfactory service.

Adjustment in salary steps shall not be automatic upon completion of the periods of service outlined above. All increases shall be made on the basis of merit as established by the employee's work performance, and after written recommendation of the employee's supervisor(s) and approval of the Superintendent of Schools.

In order to maintain the integrity of the established management salary schedule and appropriate internal relationships among management classifications, salary adjustments will not occur other than under provisions contained in this administrative regulation.

Regulation

approved: January 14, 1981

Regulation

amended: December 7, 1983

July 9, 1997

Personnel - Management**LONGEVITY PAY PLAN**

The employer provides management employees with extra pay for continued service with the County Office of Education under a longevity pay plan as follows.

Years of Service Completed	Additional % to be added to Basic Salary Schedule Rate
Eight (8)	3%
Eleven (11)	2%
Fifteen (15)	2%
Twenty (20)	2%
Twenty-Five (25)	2%
Thirty (30)	2%
Thirty-Five (35)	2%

Regulation
approved: February 23, 1989

Regulation
amended: July 9, 1997
October 5, 2011

Personnel - Management**SICK LEAVE**

Each full-time management employee (220 work days minimum) shall accrue one day of leave for each month of employment for personal illness or injury. Such sick leave shall be credited at the commencement of the work year and shall be twelve (12) days sick leave for a full-time management employee. Management employees, who have a less than full-time work assignment, shall accrue sick leave on the basis of the proportion which their work year bears to a full-time assignment. Unused sick leave shall accrue from year to year.

Disabilities caused or contributed to by pregnancy, miscarriage, childbirth, termination of pregnancy, and recovery therefrom, are covered by sick leave provisions. If a request is received for more than six (6) weeks' disability leave for a normal pregnancy, the Employer may request the employee to see an Employer-appointed physician. When possible, a management employee exercising this paid leave of absence provision shall notify his/her immediate supervisor of his/her need to be absent from service as soon as known. Such notification should include an estimate of the expected duration of the absence.

Sick leave which has been credited and used but not earned, shall be repaid by deduction from the management employee's final salary warrant upon termination of employment. After all earned sick leave days at full pay have been used, and additional absence due to illness or injury is necessary, the management employee shall receive the difference between his/her own salary and (1) the salary which would have been paid to a substitute or, (2) if no substitute was employed, the amount which would have been paid to the substitute at Step 1 of the management employee's salary range for a total of five (5) months, inclusive of the earned sick leave days at full pay, if employed up to a total of five (5) months, exclusive of the management employee's earned sick leave days at full pay.

Regulation
approved: February 23, 1989

Regulation
amended: July 9, 1997
October 5, 2011

Personnel - ManagementClassified Vacation Benefits and Rights

Vacation accrual for classified management employees shall be twenty-two (22) days for the regular 260 day work year. Vacation time is credited to each classified management employee at the beginning of the fiscal year in which it is earned.

Vacation entitlement for classified management employees represents time in their paid work year assignment and is to be viewed in the same manner as paid holiday time. For classified managers who resign or retire, only unused vacation time earned up to date of termination is to be viewed as paid time.

Classified management employees are encouraged to take a vacation during each fiscal year. The maximum accrual for such employees shall be two times the annual vacation days earned, which shall apply on June 30 of each year. An exception to the maximum vacation accrual may be authorized by the County Superintendent in specific instances upon the recommendation of the appropriate Deputy/Assistant Superintendent.

Any vacation time taken is to have prior approval of the respective management employee's immediate supervisor and be recorded on the Monthly Attendance Report forwarded to Accounting Services.

Regulation
approved: February 4, 1981

Regulation
effective: July 1, 1980

Regulation
amended: January 26, 1994
July 9, 1997

Personnel - Management**BEREAVEMENT LEAVE**

Each management employee shall be entitled to three (3) work days of paid leave of absence, or five (5) work days if travel exceeds four hundred miles one way, on account of death within his/her immediate family. If travel exceeds 1,500 miles one way, employee shall be entitled to six (6) workdays of paid leave of absence.

Due to the loss of a spouse or registered domestic partner, each confidential employee shall be entitled to five (5) workdays of bereavement. If travel exceeds 1,500 miles one way, confidential employees shall be entitled to six (6) workdays of paid leave of absence.

Immediate family, for the purpose of this section, means husband or wife, registered domestic partner, mother or father, sister or brother, son or daughter, son-in-law or daughter-in-law, brother-in-law, or sister-in-law, of the employee or the employee's spouse; grandchild of the employee or of the employee's spouse; grandmother or grandfather of the employee or of the employee's spouse; uncle and aunt of the employee or of the employee's spouse; niece or nephew of the employee or employee's spouse; or any relative of either spouse residing in the immediate household; or any person, other than the renter, whose legal residence is the same as the employee. This leave shall not be deducted from sick leave.

The management employee shall report the absence in accordance with established procedures.

Regulation
approved: February 23, 1989

Regulation
amended: May 8, 1996
July 9, 1997
October 5, 2011

Personnel - ManagementIndustrial Accident or Illness Leave

Eligibility for this leave shall be determined as prescribed by Worker's Compensation. Allowable leave for industrial accidents and illnesses shall be for a maximum of sixty (60) days in any one fiscal year for the same accident or illness. Allowable leave for industrial accident or illness shall not be accumulated from year to year.

Industrial accident or illness leave shall commence on the first day of absence. When a management employee is absent from his/her duties on account of any industrial accident or illness, he/she shall be paid such portion of the salary due him/her for any month in which the absence occurs, as when added to his/her temporary Worker's Compensation benefit, will result in payment to him/her of not more than his/her full salary. Industrial accident or illness leave shall be reduced by one (1) day for each day of authorized absence regardless of a temporary disability indemnity award. If an industrial accident or illness leave overlaps into the next fiscal year, the management employee shall be entitled to the amount of unused leave due him/her for the same illness or injury.

If a management employee is not medically able to return to work upon termination of the sixty (60) days of industrial accident or illness leave, he/she shall be entitled to sick leave and to apply for general leave. For the purposes of other leave entitlement, his/her absence shall be deemed to have commenced on the date of the termination of the industrial accident or illness leave, provided that, if the management employee continues to receive temporary Worker's Compensation benefits, he/she may elect to take as much of his/her accumulated sick leave which, when added to his/her temporary Worker's Compensation benefits, will result in a payment due him/her of not more than his/her full salary.

During any paid leave of absence, the management employee shall endorse to the County Office of Education, the temporary Worker's Compensation checks received on account of his/her industrial accident or illness. The County Office of Education shall issue the management employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement and other authorized contributions. The management employee shall qualify for the provisions of this benefit when he/she assumes a management position with the County Office of Education.

Industrial Accident or Illness Leave (continued)

Any management employee receiving benefits as a result of this regulation shall, during periods of illness or injury, remain within the State of California, unless the Employer authorizes travel outside the State. A management employee requesting or claiming leave of absence for an industrial accident or illness is required to provide a doctor's statement verifying that the management employee is unable to fulfill his/her regular duties because of the injury or illness. A management employee returning to his/her position from an industrial accident or illness leave granted under the provisions of this regulation, is required to submit a doctor's statement verifying that he/she is able to resume the responsibilities of his/her position.

Regulation
approved: February 23, 1989

Regulation
amended: July 9, 1997

Personnel - Management

Jury Duty

A management employee will be granted a paid leave of absence when he/she is called for jury duty. A copy of the court order shall be submitted as soon as the date of the appearance is known.

Management employees granted such leaves of absence shall submit to the County Office of Education any amount received as a jury fee, less any amount paid for travel, meals, or lodging. Immediately upon returning to work, the management employee shall report the absence in accordance with established procedures.

Regulation
approved: February 23, 1989

Regulation
amended: July 9, 1997

Personnel - ManagementLong-term Leaves: Sabbatical

Rapid growth and change in the technologies of the managing and professional fields have created a need for keeping up-to-date with the latest scientific developments and professional skills. The purpose of this regulation is to allow classified and certificated managerial employees the opportunity, through the medium of sabbatical leave, to return to the employer innovative, updated techniques, skills, and information.

Sabbatical leave, as used herein, shall mean a leave from normal County Office of Education employ for the purpose of study in the managerial employee's professional field. Such study may be either a formal program at a college, university, or other institution of learning; or a combination of learning and working, be it at an institution of learning, with another county superintendent of schools office, State Department of Education, etc. Any such program shall be approved by the employee's appropriate Deputy/Assistant Superintendent and the County Superintendent of Schools prior to the final approval of the County Board of Education.

Managerial employees having at least seven consecutive full years of service with the County Office of Education are eligible to apply for sabbatical leave, with fifty percent of full salary; they shall have fifty percent of the health programs premiums paid for the period of leave. The period of leave may be from three consecutive months up to one year.

Conditions of Sabbatical Leave

- A. The approval of the sabbatical leave as described herein will depend upon the availability of funds from the authorized budget of the appropriate division; and the commitment by those closely involved in the work of the managerial employee to be granted the sabbatical leave, that the work will be done during his/her absence.
- B. Every managerial employee, as a condition to being granted a leave of absence, shall agree in writing to render a period of service in the employ of the County Superintendent of Schools following his/her return from the leave of absence which is equal to twice the period of leave. The compensation shall be paid to the employee while on the leave of absence in the County Office, upon the furnishing by the employee of a suitable bond indemnifying the County Office against loss in the event that the employee fails to render the agreed upon period of service following the return of the employee from the leave of absence. The bond shall be exonerated in the event the failure of the employee to return and render the agreed upon period of service is caused by the death or physical or mental disability of the employee.

Personnel - Management

Conditions for Sabbatical Leave (continued)

- C. If the employee does not serve for the entire period of service agreed upon, the amount of compensation paid for the leave of absence shall be reduced by an amount which bears the same proportion to the total compensation as the amount of time which was not served bears to the total amount of time agreed upon. If the employee furnished an indemnity bond, upon default, the proceeds of the bond shall be divided between the employee and the County Office in the same proportion as the actual amount of time served bears to the amount of time agreed upon.

Regulation
approved: July 22, 1980

Regulation
amended: July 9, 1997

Personnel - Management

General Leave

A management employee may be granted up to thirty (30) days unpaid leave at the discretion of the County Superintendent/appropriate Deputy/Assistant Superintendent. Unpaid leave beyond thirty (30) days may be granted at the discretion of the Employer. Among other things, this leave could be used for recovery from illness or injury.

Regulation
approved: February 23, 1989

Regulation
amended: July 9, 1997

Personnel - Management

AUTHORIZED REIMBURSEMENTS

Management employees who are required to use their automobiles in the performance of their duties shall be reimbursed monthly for all travel at the current IRS rate.

Management employees shall be reimbursed for the repair or replacement of any personal property of the employee stolen, damaged, or destroyed while the employee was on duty, unless such damage or theft is due to negligence by the employee, and only to the extent where damage or theft is not covered by the employee's personal insurance.

Personal property shall include but not be limited to eye glasses, watches, and articles of clothing necessarily worn or carried by the employee and vehicles.

The amount of reimbursement to the management employee by the Employer shall be limited to the actual cost of repair or replacement, not to exceed \$500.00 per incident.

Management employees shall be reimbursed for theft, destruction, or damage by arson, burglary, or vandalism or personal property required or approved by the Employer in the performance of assigned job duties. Reimbursement shall be made only where written approval for use of the personal property was given before the property was brought to the work site, and the value of the property was agreed upon by the management employee and his/her respective supervisor at the time the approval for its use was given.

The amount of reimbursement to the management employee by the Employer shall be no more than \$500.00 per incident. In the event the loss exceeds \$500.00, the County Superintendent of Schools may allow additional reimbursement.

Regulation
approved: March 23, 1989

Regulation
amended: July 9, 1997
October 5, 2011

Personnel - ManagementPerformance Evaluation

A formal evaluation process is central to the achievement and maintenance of organizational and individual goals. To this end, the County Board of Education and County Superintendent wish to ensure that all management employees are evaluated on an annual basis. The County Board of Education directs the County Superintendent to promulgate an administrative regulation that specifies the procedure to be followed in conducting annual evaluations of all management employees.

Policy
adopted: December 7, 1983

Policy
amended: October 28, 1983
July 9, 1997

Performance Evaluation

All management employees are to be evaluated on an annual basis. Such performance evaluation will be based on the principles of management by objectives and participative management. The main thrust of the management performance evaluation is the attainment of those objectives mutually agreed to by the evaluator and the evaluatee.

Management performance evaluation is based on the premise the employee knows what is expected of him/her. This is accomplished through review of the job description, knowledge of the unit/region/County Office of Education goals and priorities, review of the performance evaluation system, and most importantly, ongoing communication/discussion with the supervisor during the evaluation process.

Performance evaluation becomes meaningful as the evaluator and evaluatee develop a mutual understanding of the purposes of evaluation, what is to be evaluated, the responsibility each party plays in the process, and how it is to be accomplished.

All management personnel are to be evaluated on the basis of their services that contribute directly and indirectly to student learning and to the improvement of educational programs in Contra Costa County. A major purpose of the evaluation must be the improvement of each managerial staff member's capabilities and performance so that services of the highest possible quality are provided.

The management evaluation process should provide a positive force in helping each management employee to achieve personal and job-related goals and objectives. This system provides for and requires the observation of performance and the recording of information which makes it possible to:

1. Determine achievement in relation to the County Office of Education's goals and objectives, both organizationally and personally.
2. Identify and document competencies to enable the evaluator to make decisions regarding assignments and determining personnel development needs.
3. Establish individual and organizational accountability.
4. Determine how well the evaluatee is serving his/her clients.
5. Identify individuals for promotion, recognition, retention, reassignment, demotion or dismissal.
6. Improve performance of the evaluatee through learning and growth.

Personnel - Evaluation (continued)

In addition, the management performance evaluation process should:

1. Provide a fair means of making judgments about an individual's performance.
2. Enhance a trusting relationship among all management staff.
3. Encourage greater independence and decision-making on the part of all management employees.
4. Provide improved two-way communication.
5. Ensure credibility of the evaluation process with the management staff.
6. Provide information to determine staff development needs.
7. Promote a "team" effort.
8. Promote consistency through the evaluation process.
9. Increase motivation of management staff members.

Information on the procedure to follow in the performance evaluation of management employees, including copies of the evaluation forms to be used, are available through the Human Resources Department. Completed evaluation forms are to be maintained in the management employee's Personnel File.

Regulation
approved: December 7, 1983

Regulation
amended: October 29, 1992
July 9, 1997

Personnel - ManagementDisciplinary Procedure

The establishment and adherence to a disciplinary procedure ensures that employees are treated uniformly, objectively, fairly, and with due process. The County Superintendent of Schools hereby prescribes that applicable provisions of the Education Code apply in any instance of disciplinary action for cause against a management employee. Where disciplinary action for cause involves a classified management employee, the procedure outlined in an administrative regulation promulgated by the County Superintendent of Schools shall apply. Where disciplinary action for cause involves a certificated management employee, procedures as outlined in the Education Code shall be followed.

Legal Reference: Education Code Sections
44938-44944

Policy
adopted: December 7, 1983

Policy
amended: July 9, 1997

Disciplinary Procedure

1. General

- A. A permanent management employee may be disciplined; i.e., suspended without pay, salary step reduction within range, demoted without consent, or dismissed by the County Superintendent of Schools. Verbal and/or written reprimand will normally precede a disciplinary action.
- B. This Regulation does not apply to new probationary management employees.

2. Reasons

Among reasons that may be deemed sufficient for discipline are the following:

- A. Repeated absences
- B. Repeated, unexcused tardiness
- C. Failure to perform regular or other assigned duties
- D. Conviction of any criminal act involving moral turpitude
- E. Disorderly or immoral conduct while in a paid status
- F. Violation of any lawful order by a supervisor
- G. Insubordination
- H. Incompetence or inefficiency in performance of duties
- I. Intoxication while on duty
- J. Misuse of narcotics or illegal use of drugs
- K. Damage to or waste of County Schools property or supplies due to negligence or willful acts, or conversion of public property
- L. Violation of any of the Employer's regulations regarding duties, conduct, or performance of a management employee
- M. Willful conduct tending to injure the public service.

3. Procedure

A. Due Process - Written Notice of Intent

A written notice of intent to take disciplinary action will normally precede by no less than five (5) days the effective date of any disciplinary action. Such notice will identify the intended disciplinary action, the reasons for the action, a copy of the charges and materials upon which the action is based, and notification of the right of the employee to respond, either orally or in writing, to the County Superintendent of Schools or his designee on the proposed action.

Disciplinary Procedure (continued)

B. Written Disciplinary Notification

The written notice effecting disciplinary action shall be signed by the County Superintendent and shall precede suspension without pay, reduction in step within range, demotion without consent, or dismissal. The notice shall be served personally or by certified mail. Service by certified mail shall be deemed completed on the date of mailing. Such notice shall include the following:

- 1) A statement identifying the Employer
- 2) A statement in ordinary and concise language of the specific acts and omissions upon which the proposed action is based
- 3) The disciplinary action recommended
- 4) The cause(s) or reason(s) for the action taken
- 5) A copy of the applicable regulation(s) where it is claimed a violation of regulation(s) took place
- 6) A statement of the employee's right to a hearing on the charges before a hearing officer
- 7) A form which constitutes a denial of charges and a demand for such hearing.

4. Demand for Hearing

No later than the tenth workday after the effective date of the disciplinary action the employee shall deliver or mail his/her demand for hearing to the County Superintendent of Schools. Failure to submit said demand for hearing within the time allowed shall constitute a waiver of the employee's right to a hearing.

In the absence of a demand for hearing, the matter shall be considered final.

5. Hearings

- A. Hearings shall be held by a hearing officer mutually selected by the parties.
- B. Such hearings shall take place within a reasonable period of time but not before five (5) calendar days after the filing of a request for a hearing.
- C. Hearings will be presided over by the hearing officer.
- D. The employee shall have a right to appear in person on his/her own behalf, with counsel or such representation as he/she requests to represent his/her defense.

Disciplinary Procedure (continued)

6. Hearing Procedure

- A. The hearing officer shall conduct the hearing and shall rule on questions, evidence, and procedure.
- B. Either party may call witnesses, introduce evidence, testify, and question witnesses.
- C. The charging party has the burden of proof and shall first present evidence and testimony.
- D. Normal procedures shall be followed; i.e., charging party presentation, defense cross-examination, defense presentation, charging party cross-examination, and rebuttal evidence from each party.
- E. Hearings will be recorded at the request of either party with such expense being borne equally by the parties.

7. Decisions

A. Hearing Officer

The recommendation of the hearing officer shall be submitted to the Employer and shall be in writing, summarizing the facts, setting forth findings, and making recommended decision.

B. Employer

The decision by the hearing officer shall be final unless the Employer, within five (5) work days following receipt of the decision, determines to review further the proceedings of the hearing with a view toward making the Employer's own findings and conclusions in the matter. The findings and conclusions of the Employer will be made within thirty (30) days of the decision to review the matter and will be final.

8. Limitations

No disciplinary action shall be taken for any cause which arose prior to the employee's becoming permanent, nor for any cause which arose more than two years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by such employee when it could reasonably be assumed that the employee should have disclosed the facts to the County Office of Education. Disciplinary action taken shall be commensurate with the offense.

Regulation

approved: December 7, 1983

Regulation

amended: July 9, 1997

Personnel - ManagementCatastrophic Leave Program

When a catastrophic illness or injury incapacitates a management employee for an extended period of time, fellow management or confidential employees may donate accrued sick leave credits to that management employee under the specific requirements of the County Office's catastrophic leave program. Donations made under the catastrophic leave program shall be voluntary.

Legal Reference: Education Code
44043.5 Catastrophic leave

Policy
adopted: January 24, 1996

Policy
amended: July 9, 1997

Personnel-ManagementCatastrophic Leave

"Catastrophic illness or injury" means an illness or injury that is expected to incapacitate an employee for an extended period of time. Extended time off from work can create a financial hardship when all sick leave and other paid time off has been exhausted.

"Eligible Leave Credits" mean sick leave accrued to a donating employee.

Requirements/Conditions

All permanent, full time management employees shall be eligible to participate in the Catastrophic Leave program. They may apply for and receive catastrophic leave provided the following conditions are met:

After exhaustion of all available leave credits, the management employee may request, on the approved form, a specific amount of leave donation.

The management employee must have suffered an incapacitating illness or injury which falls within the provisions.

The County Office of Education must determine that the management employee is unable to work because of catastrophic illness after adequate proof of illness has been provided in accordance with Education Code Section 44043.5 to include but not be limited to a doctor's verification of illness and declaration of compliance with the requirements of this leave. Falsification of leave verification will be grounds for discipline. Discipline may include: 1) verbal and/or written reprimand; 2) removal from participation in the program for just cause; and 3) termination.

If the transfer of eligible leave credits is approved by the County Office, any management or confidential employee may, at the time for donation, donate eligible leave credits at a minimum of one (1) day, not to exceed twenty (20) days.

No management employee is eligible for catastrophic leave if he or she has used more than seventy percent (70%) of credited sick leave in two (2) of the last three (3) years except that the County Office may waive this provision in verified instances of continuing illness or accident. The maximum amount of time for which donated sick leave credits may be used is twelve (12) consecutive months.

Personnel-ManagementCatastrophic Leave (continued)

Participation is voluntary, donation is irrevocable and confidential, and the donor must maintain a minimum of twenty (20) days of accumulated sick leave. Donations shall be in one-day increments. Stress claims shall be excluded from this program; however, physical manifestations such as heart disease or high blood pressure may be included. Transfers of eligible leave credits are irrevocable. **In cases where an employee donating his/her sick leave credits has been a member of the STRS or PERS retirement system prior to July 1, 1980, the donation of sick leave credits can negatively affect his/her benefit amount upon retirement.**

A management employee who receives paid catastrophic leave shall use any leave credits that he or she continues to accrue on a monthly basis prior to receiving paid catastrophic leave.

Management employees who apply to this program will be required to submit a physician's statement indicating the nature of the illness or injury and the probable length of absence from work. The nature of the illness or injury shall be kept confidential.

In the event the Catastrophic Leave program is canceled, the unclaimed days shall be returned to those employees who have donated them.

The Employer has responsibility and authority for final decisions regarding participation in this program.

Regulation
approved: January 24, 1996

Regulation
amended: July 9, 1997

Personnel-Confidential

DEFINITION AND RECOGNITION

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.

All confidential employees are exempt from overtime or compensation provisions except for call back. Call back is defined as having to return to work after completing a normal work day or work week.

The following classifications are designated as confidential employees:

- Executive Assistant I
- Executive Assistant II
- Executive Assistant to the Superintendent

Legal Reference: GOVERNMENT CODE
3540.1 Definitions

Regulation
approved: October 31, 1979
March 12, 1980

Regulation
effective October 31, 1979

Regulation
amended: September 10, 1980
September 21, 1983
January 9, 1986
June 24, 1992
October 5, 2011

Personnel - Confidential

REIMBURSEMENT FOR EMPLOYEE SCHOOLING

(Confidential Employees)

This regulation establishes guidelines for reimbursement of tuition and book expenses for confidential employees wishing to further their education.

The Contra Costa County Office of Education will reimburse employees an amount of up to \$300.00 annually for reimbursement of tuition and book expenses. The following conditions apply in qualifying for this reimbursement:

1. The employee occupies a confidential position with the Contra Costa County Office of Education on a full-time basis.
2. The subject matter of the course, training program, or degree relates to the employee's work with the County Office of Education and is designed to improve the employee's job performance.
3. The course is in a school accredited by the Western Association of Schools and Colleges, the National Home Study Council, or by special permission as approved by the County Superintendent of Schools.
4. The class and study time are outside of the employee's working hours.
5. The course is completed with at least a "C" grade or a certificate of completion.
6. Textbooks or other materials required by the course are retained by the County Office of Education as reference materials or for reuse by other employees taking the same or similar courses in which the same book or materials are required. The County Superintendent, at his discretion, may allow an employee to keep such books and materials.

The County Superintendent is responsible for the overall implementation of this regulation and may delegate to the Director of Human Resources the following administrative procedures:

1. Prior to taking a course, the employee shall complete a Request for Tuition/Course Refund form and submit it to his/her Supervisor for their recommended approval. The Supervisor forwards the signed Request for Tuition/Course Refund form to the Director of Human Resources for approval of a course of study or training program. This form must be initiated by the employee prior to incurring any expenses.

Personnel-Confidential

REIMBURSEMENT FOR EMPLOYEE SCHOOLING (continued)

(Confidential Employees)

2. If the course is approved for reimbursement, the Director of Human Resources will so indicate by signing the form and returning the form to the employee, with Human Resources keeping a copy. If the course is disapproved, the form will be returned as disapproved to the employee.
3. Upon completion of the course, the employee shall submit a copy of the "Request for Tuition Refund" form (see attached) previously approved by the Director of Human Resources, along with the receipted bill for tuition and books and verification of satisfactory completion of the course to the Director of Human Resources.
4. The Director of Human Resources shall note the satisfactory completion of the course and forward the approved tuition refund request to Accounts Payable for payment.

Exclusions and Limitations

The annual amount of up to \$300.00 for reimbursement shall not be provided for such expenses as graduation fees, student body fees, binders, note papers, exam books, and miscellaneous supplies. Additionally, reimbursement shall not apply to any course or program conducted by an educational institution through a contractual relationship with any type of "educational broker" nor shall the County Office of Education recognize any "life experience" credits that may be granted by any educational institution.

Regulation
approved: August 26, 1981

Regulation
effective: August 26, 1981

Regulation
amended: July 9, 1997
July 19, 2000
September 18, 2002

REQUEST TUITION/COURSE REFUND

Confidential employees are encouraged to take job-related courses to improve their educational background and job effectiveness.

The Contra Costa County Office of Education will reimburse confidential employees an amount of up to \$300.00 annually for tuition and book expenses. Textbooks or other materials required by the course are retained by the County Office as reference materials, or an employee may keep such books if prior approval has been granted.

To qualify, an employee shall obtain advance approval by submitting to the Director of Human Resources a "Request for Tuition Refund" form. The upper portion of the form should be completed and sent to the Supervisor at the time of enrollment or earlier. Upon recommendation of the supervisor, the Director of Human Resources will normally approve the course.

APPROVAL: If the course is approved, the copies are distributed as above. The employee is to retain the copies, tuition and book receipts until the course has been satisfactorily completed. Then the lower portion of the form is to be completed by the employee and submitted to the supervisor with the following attached:

- A. Documentation verifying satisfactory completion of the course
- B. Receipts for tuition expenses
- C. Receipts for required textbooks or course materials
- D. The textbooks or course materials for which the employee is receiving reimbursement, unless otherwise provided.

The supervisor signs the form and forwards it to the Director of Human Resources with all of the attachments. The Director of Human Resources determines the amount of reimbursement and approves the funded request. Then the Human Resources Department staff forwards the yellow copy with receipts to the business office for payment, files the original in the employee's file, and returns the pink copy to the employee.

REFERENCE: Administrative Regulation Personnel - Series 4000

Personnel - Confidential**LONGEVITY PAY PLAN**

The employer provides confidential employees with extra pay for continued service with the County Office of Education under a longevity pay plan as follows.

Years of Service Completed	Additional % to be added to Basic Salary Schedule Rate
Eight (8)	3%
Eleven (11)	2%
Fifteen (15)	2%
Twenty (20)	2%
Twenty-Five (25)	2%
Thirty (30)	2%
Thirty-Five (35)	2%

Regulation
approved: February 23, 1989

Regulation
amended: July 9, 1997
October 5, 2011

Personnel - Confidential**SICK LEAVE**

Each full-time confidential employee (220 work days minimum) shall accrue one day of leave for each month of employment for personal illness or injury. Such sick leave shall be credited at the commencement of the work year and shall be twelve (12) days sick leave for a full-time confidential employee. Confidential employees, who have a less than full-time work assignment, shall accrue sick leave on the basis of the proportion which their work year bears to a full-time assignment. Unused sick leave shall accrue from year to year.

Disabilities caused or contributed to by pregnancy, miscarriage, childbirth, termination of pregnancy, and recovery therefrom, are covered by sick leave provisions. If a request is received for more than six (6) weeks' disability leave for a normal pregnancy, the Employer may request the employee to see an Employer-appointed physician.

When possible, a confidential employee exercising this paid leave of absence provision shall notify his/her immediate supervisor of his/her need to be absent from service as soon as known. Such notification should include an estimate of the expected duration of the absence.

Sick leave which has been credited and used but not earned, shall be repaid by deduction from the confidential employee's final salary warrant upon termination of employment.

After all earned sick leave days at full pay have been used, and additional absence due to illness or injury is necessary, the confidential employee shall receive the difference between his/her own salary and (1) the salary which would have been paid to a substitute or, (2) if no substitute was employed, the amount which would have been paid to the substitute at Step 1 of the confidential employee's salary range for a total of five (5) months, inclusive of the earned sick leave days at full pay, if employed up to a total of five (5) months, exclusive of the confidential employee's earned sick leave days at full pay.

Regulation
approved: February 23, 1989

Regulation
amended: July 9, 1997
October 5, 2011

Personnel - Confidential

BEREAVEMENT LEAVE

Each confidential employee shall be entitled to three (3) work days of paid leave of absence, or five (5) work days if travel exceeds four hundred miles one way, on account of death within his/her immediate family. If travel exceeds 1,500 miles one way, confidential employee shall be entitled to six (6) workdays of paid leave of absence.

Due to the loss of a spouse or registered domestic partner, each confidential employee shall be entitled to five (5) workdays of bereavement. If travel exceeds 1,500 miles one way, confidential employees shall be entitled to six (6) workdays of paid leave of absence.

Immediate family, for the purpose of this section, means husband or wife, registered domestic partner, mother or father, sister or brother, son or daughter, son-in-law or daughter-in-law, brother-in-law, or sister-in-law, of the employee or the employee's spouse; grandchild of the employee or of the employee's spouse; grandmother or grandfather of the employee or of the employee's spouse; uncle and aunt of the employee or of the employee's spouse; niece or nephew of the employee or employee's spouse; or any relative of either spouse residing in the immediate household; or any person, other than the renter, whose legal residence is the same as the employee. This leave shall not be deducted from sick leave.

The confidential employee shall report the absence in accordance with established procedures.

Regulation
approved: February 23, 1989

Regulation
amended: July 9, 1997
October 5, 2011

Personnel - ConfidentialIndustrial Accident or Illness Leave

Eligibility for this leave shall be determined as prescribed by Worker's Compensation. Allowable leave for industrial accidents and illnesses shall be for a maximum of sixty (60) days in any one fiscal year for the same accident or illness. Allowable leave for industrial accident or illness shall not be accumulated from year to year.

Industrial accident or illness leave shall commence on the first day of absence. When a confidential employee is absent from his/her duties on account of any industrial accident or illness, he/she shall be paid such portion of the salary due him/her for any month in which the absence occurs, as when added to his/her temporary Worker's Compensation benefit, will result in payment to him/her of not more than his/her full salary. Industrial accident or illness leave shall be reduced by one (1) day for each day of authorized absence regardless of a temporary disability indemnity award. If an industrial accident or illness leave overlaps into the next fiscal year, the confidential employee shall be entitled to the amount of unused leave due him/her for the same illness or injury.

If a confidential employee is not medically able to return to work upon termination of the sixty (60) days of industrial accident or illness leave, he/she shall be entitled to sick leave and to apply for general leave. For the purposes of other leave entitlement, his/her absence shall be deemed to have commenced on the date of the termination of the industrial accident or illness leave, provided that, if the confidential employee continues to receive temporary Worker's Compensation benefits, he/she may elect to take as much of his/her accumulated sick leave which, when added to his/her temporary Worker's Compensation benefits, will result in a payment due him/her of not more than his/her full salary.

During any paid leave of absence, the confidential employee shall endorse to the County Office of Education, the temporary Worker's Compensation checks received on account of his/her industrial accident or illness. The County Office of Education shall issue the confidential employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement and other authorized contributions. The confidential employee shall qualify for the provisions of this benefit when he/she assumes a confidential position with the County Office of Education.

Personnel - ConfidentialIndustrial Accident or Illness Leave (continued)

Any confidential employee receiving benefits as a result of this regulation shall, during periods of illness or injury, remain within the State of California, unless the Employer authorized travel outside the State. A confidential employee requesting or claiming leave of absence for an industrial accident or illness is required to provide a doctor's statement verifying that the confidential employee is unable to fulfill his/her regular duties because of the injury or illness. A confidential employee returning to his/her position from an industrial accident or illness leave granted under the provisions of this regulation, is required to submit a doctor's statement verifying that he/she is able to resume the responsibilities of his/her position.

Regulation
approved: February 23, 1989

Regulation
amended: July 9, 1997

Personnel - Confidential

Jury Duty

A confidential employee will be granted a paid leave of absence when he/she is called for jury duty. A copy of the court order shall be submitted as soon as the date of the appearance is known.

Confidential employees granted such leaves of absence shall submit to the County Office of Education any amount received as a jury fee, plus any amount paid for travel, meals, or lodging. Immediately upon returning to work, the confidential employee shall report the absence in accordance with established procedures.

Regulation
approved: February 23, 1989

Regulation
amended: July 9, 1997

Personnel - Confidential

General Leave

A confidential employee may be granted up to thirty (30) days unpaid leave at the discretion of the County Superintendent/appropriate Deputy/Assistant Superintendent. Unpaid leave beyond thirty (30) days may be granted at the discretion of the Employer. Among other things, this leave could be used for recovery from illness or injury.

Regulation
approved: February 23, 1989

Regulation
amended: July 9, 1997

Personnel - Confidential

AUTHORIZED REIMBURSEMENTS

Confidential employees who are required to use their automobiles in the performance of their duties shall be reimbursed monthly for all travel at the allowance at the current IRS rate.

Confidential employees shall be reimbursed for the repair or replacement of any personal property of the employee stolen, damaged, or destroyed while the employee was on duty, unless such damage or theft is due to negligence by the employee, and only to the extent where damage or theft is not covered by the employee's personal insurance.

Personal property shall include but not be limited to eye glasses, watches, and articles of clothing necessarily worn or carried by the employee and vehicles.

The amount of reimbursement to the confidential employee by the Employer shall be limited to the actual cost of repair or replacement, not to exceed \$500.00 per incident.

Confidential employees shall be reimbursed for theft, destruction, or damage by arson, burglary, or vandalism or personal property required or approved by the Employer in the performance of assigned job duties. Reimbursement shall be made only where written approval for use of the personal property was given before the property was brought to the work site, and the value of the property was agreed upon by the confidential employee and his/her respective supervisor at the time the approval for its use was given.

The amount of reimbursement to the confidential employee by the Employer shall be no more than \$500.00 per incident. In the event the loss exceeds \$500.00, the County Superintendent of Schools may allow additional reimbursement.

Regulation
approved: March 23, 1989

Regulation
amended: July 9, 1997
October 5, 2011

Personnel - Confidential

State Disability Insurance

Confidential employees are eligible to apply for State Disability benefits through the California State Employment Development Department for any non-work-related illness or injury. Disability insurance payments are integrated with available sick leave benefits. The premium costs of this benefit are paid by the employees.

Regulation
approved: March 23, 1989

Regulation
amended: July 9, 1997

Personnel - Confidential

Group Accidental Death and Dismemberment Plan

The Employer will pay the premium costs for a \$1,000 group accidental death and dismemberment plan for all confidential employees.

Optional coverage for family members is available at the employee's expense.

Benefit summary brochures are available through the Human Resources Department.

Regulation
approved: March 23, 1989

Regulation
amended: July 9, 1997

Personnel - ConfidentialCompensation

Compensation shall reflect the fact that confidential employees have the responsibility of access to information on employer-employee relations in the County Office of Education.

Confidential compensation should also be commensurate with actual job performance and provide motivation for greater accomplishment.

Compensation for employees in confidential positions shall be fair and equitable and be reasonably competitive with current trends in compensation of employees holding comparable positions in other County Offices of Education, school districts, and related agencies.

The compensation for positions held by Confidential employees shall be reviewed at least annually. The County Superintendent of Schools directs appropriate staff to establish guidelines for the equitable compensation of confidential employees.

Policy
adopted: March 13, 1985

Policy
amended: July 9, 1997

Compensation

Compensation means all salary, benefits, perquisites, or any other valuable consideration as defined under the broad meaning of employee compensation.

Confidential employee means any employee defined as determined to be a “confidential employee” in accordance with Article I, Section 3540.1 of the Government Code governing employer/employee relations in Public School Systems.

For each existing confidential classification the following procedure shall apply:

The County Superintendent of Schools shall prepare or cause to be prepared a compensation recommendation that may include salary range adjustments and revisions to the benefit program for confidential positions. Salary range adjustments shall maintain a five-step range for each classification, with intervals of approximately five (5%) percent. Advancement in salary up to the fifth step in the established salary range shall be based upon satisfactory performance of each position incumbent.

In developing the total compensation, the County Superintendent of Schools shall consider, but not be limited to:

- (1) Maintaining or establishing an appropriate internal relationship with the base compensation provided for a related subordinate classification/position;
- (2) Maintaining or establishing a competitive relationship with reasonably similar positions in other comparably-sized agencies. Such external comparison will apply where a sufficient number of reasonably similar positions can be identified;
- (3) Recruiting and retaining qualified employees for the various confidential positions within the County Office of Education work force;
- (4) Establishing job qualification standards that relate to education, experience, training, and skill requirements; and
- (5) Benefit programs that apply to other County Office of Education employees, or that are requested by confidential employees. In developing the total compensation recommendation, the County Superintendent of Schools will hold discussions with all confidential employees and/or their representatives. These discussions will include a review of specific employee concerns, available salary and benefit information requested, and proposed salary and/or benefit recommendations. The County Superintendent will seek general agreement or understanding with the confidential employees and their supervisors prior to revisions of the overall compensation plan for confidential employees.

Regulation

approved: March 13, 1985

Regulation

amended: July 9, 1997

Salary Guides

Placement on Confidential Salary Schedule

All confidential employees are to be placed on the appropriate salary range established for their respective classification. Upon initial employment, placement at Step One of the appropriate salary range shall normally apply. Adjustment to Step Two shall be considered following six (6) months of satisfactory work performance. Consideration for each subsequent step adjustment shall be after completion of one (1) year of satisfactory service.

Adjustment in salary steps shall not be automatic upon completion of the periods of service outlined above. All increases shall be made on the basis of merit as established by the employee's work performance and after written recommendation of the employee's supervisor(s) and approval of the Superintendent.

In order to maintain the integrity of the established confidential salary schedule and appropriate internal relationships among confidential classifications, salary adjustments will not occur other than under the provisions contained in this administrative regulation.

Regulation
approved: March 13, 1985

Regulation
amended: July 9, 1997

Retroactive Pay for Retirees

Confidential employees who retire during any fiscal year in which retroactive pay is granted to current confidential employees shall also be accorded such retroactive pay irrespective of the date of retirement in the fiscal year in which retroactive pay applies to regular confidential employees.

This retroactivity provision for confidential employees who retire during any fiscal year in which retroactive pay increases for confidential employees have been granted is based upon the fact cost-of-living adjustments are normally delayed until such time as contract agreements are reached with one or more of the recognized employee organizations.

Regulation
approved: September 26, 1991

Regulation
amended: July 9, 1997

Personnel - Confidential

VACATION BENEFITS AND RIGHTS

Vacation accrual for confidential employees shall be twenty-two (22) days for the regular 260 day work year. Vacation time is credited to each classified management employee at the beginning of the fiscal year in which it is earned.

Vacation entitlement for confidential employees represents time in their paid work year assignment and is to be viewed in the same manner as paid holiday time. For classified managers who resign or retire, only unused vacation time earned up to date of termination is to be viewed as paid time.

Confidential employees are encouraged to take a vacation during each fiscal year. The maximum accrual for such employees shall be two times the annual vacation days earned, which shall apply on June 30 of each year. An exception to the maximum vacation accrual may be authorized by the County Superintendent of Schools in specific instances upon the recommendation of the appropriate Associate Superintendent.

Any vacation time taken is to have prior approval of the respective confidential employee's immediate supervisor.

Regulation
approved: March 13, 1985

Regulation
amended: July 9, 1997
October 5, 2011

Performance Evaluation

The County Superintendent wishes to ensure that all confidential employees are evaluated on an annual basis. The County Superintendent directs staff to promulgate an administrative regulation that outlines the procedure to be followed in conducting annual evaluations of all confidential employees.

Policy
adopted: January 25, 1984

Policy
amended: July 9, 1997

Personnel - ConfidentialPerformance Evaluation

Confidential employees are to be evaluated annually with the basic goal of assisting each confidential employee to perform his/her job more effectively to the mutual benefit of the individual and the employer.

The objectives of the annual performance evaluation process for confidential employees are as follows:

- a. To provide a means of evaluating each employee's performance in the specific context of his/her job.
- b. To determine individual needs for improvement and development.
- c. To secure continuing communication of individual development.
- d. To provide a basis for giving recognition to exemplary service.

Confidential employees who are in a probationary status during the first six months of their initial employment are to be evaluated by their respective supervisor at least twice during the probationary period, with the first evaluation occurring at approximately the midpoint of the six-month probationary period. The granting of permanent status following the probationary period is contingent upon satisfactory work performance. The six-month probationary period may be extended for a period not to exceed six months. All such extensions shall be for specific cause, shall be subject to review by the Human Resources Director, and shall include corrective and supportive action taken by the confidential employee and the supervisor respectively.

Upon obtaining permanent status, confidential employees will be formally evaluated annually. A confidential employee may be evaluated more frequently only for cause, provided that advance notification is given.

In conducting the performance evaluation, the supervisor and the confidential employee shall discuss the evaluation at or about the time it is prepared. The confidential employee is required to sign the completed evaluation upon receipt. The confidential employee shall have filed with the evaluation any written comments thereon which he/she wishes to make.

No evaluation of a confidential employee shall be placed in a personnel file without an opportunity for discussion between the confidential employee and the supervisor. Evaluations are to be included where less than positive evaluation comments occur.

Personnel - Confidential

Performance Evaluation (continued)

Evaluation forms for conducting the annual evaluation of confidential employees are available in the Human Resources Department.

Regulation
approved: January 25, 1984

Regulation
amended: July 9, 1997

Disciplinary Procedure

The County Superintendent is to establish and adhere to a disciplinary procedure that ensures that employees are treated uniformly, objectively, fairly, and with due process. The County Superintendent of Schools directs staff to establish an administrative regulation providing for disciplinary procedures for confidential employees.

Legal Reference: Education Code
45116 Notice of Disciplinary Action

Policy
adopted: February 22, 1984

Policy
amended: July 9, 1997

Disciplinary Procedure

1. General

- A. A permanent confidential employee may be disciplined; i.e., suspended without pay, salary step reduction within range, demoted without consent, or dismissed by the County Superintendent of Schools. Verbal and/or written reprimand will normally precede a disciplinary action.
- B. This does not apply to a new probationary confidential employee in a confidential position.

2. Reasons

- A. Repeated absences
- B. Repeated, unexcused tardiness
- C. Failure to perform regular or other assigned duties
- D. Conviction of any criminal act involving moral turpitude
- E. Disorderly or immoral conduct while in a paid status
- F. Violation of any lawful order by a supervisor
- G. Insubordination
- H. Incompetence or inefficiency in performance of duties
- I. Intoxication while on duty
- J. Misuse of narcotics or illegal use of drugs
- K. Damage to or waste of County Schools property or supplies due to negligence or willful acts, or conversion of public property
- L. Violation of any of the Employer's regulations regarding duties, conduct, or performance of a confidential employee
- M. Willful conduct tending to injure the public service

3. Procedure

A. Due Process

A written notice of intent to take disciplinary action will normally precede by no less than five (5) days the effective date of any disciplinary action. Such notice will identify the intended disciplinary action, the reasons for the action, a copy of the charges and materials upon which the action is based, and notification of the right of the employee to respond, either orally or in writing, to the County Superintendent of Schools or his designee on the proposed action.

Personnel - ConfidentialDisciplinary Procedure (continued)B. Written Notification

The confidential employee shall not be suspended without pay, reduced in step within range, demoted without consent, or dismissed unless there is served upon said employee written notice of the County Superintendent's recommendations. The notice shall be served personally or by certified mail. Service by certified mail shall be deemed complete on the date of mailing. Such notice shall include the following:

- 1) A statement identifying the Employer
- 2) A statement in ordinary and concise language of the specific acts and omissions upon which the proposed action is based
- 3) The disciplinary action recommended
- 4) The cause(s) or reason(s) for the action taken
- 5) A copy of the applicable regulation(s) where it is claimed a violation of regulation(s) took place
- 6) A statement of the employee's right to a hearing on the charges before a hearing officer
- 7) A form which constitutes a denial of charges and a demand for such hearing

4. Demand for Hearing

The employee shall deliver or mail his/her demand for hearing to the County Superintendent of Schools no later than the tenth work day after the notice of disciplinary action is served upon him/her. Failure to submit said demand for hearing within the time allowed shall constitute a waiver of the employee's right to a hearing.

5. Hearings

- A. Hearings shall be held by a hearing officer mutually selected by the parties.
- B. Such hearings shall take place within a reasonable period of time but not before five (5) calendar days after the filing of a request for a hearing.
- C. Hearing will be presided over by the hearing officer.
- D. The employee shall have a right to appear in person on his/her own behalf, with counsel or such representation as he/she requests to represent his/her defense.

6. Hearing Procedure

- A. The hearing officer shall conduct the hearing and shall rule on questions, evidence, and procedure.
- B. Either party may call witnesses, introduce evidence, testify, and question witnesses.

Disciplinary Procedure (continued)

- C. The charging party has the burden of proof and shall first present evidence and testimony.
- D. Normal procedures shall be followed; i.e., charging party presentation, defense cross-examination, defense presentation, charging party cross-examination, and rebuttal evidence from each party.
- E. Hearings will be recorded at the request of either party with such expense being borne equally by the parties.

7. Decisions

A. Hearing Officer

The recommendation of the hearing officer shall be submitted to the Employer and shall be in writing, summarizing the facts, setting forth findings, and making a recommended decision.

B. Employer

The decision by the hearing officer shall be final unless the Employer, within five (5) work days following receipt of the decision, determines to review further the proceedings of the hearing with a view toward making the Employer's own findings and conclusions in the matter. The findings and conclusions of the Employer will be made within thirty (30) days of the decision to review the matter and will be final.

8. Limitations

No disciplinary action shall be taken for any cause which arose prior to the employee's becoming permanent, nor for any cause which arose more than two (2) years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by such employee when it could reasonably be assumed that the employee should have disclosed the facts to the County Office of Education. Disciplinary action taken shall be commensurate with the offense.

Regulation
approved: February 29, 1984

Regulation
amended: July 9, 1997

Personnel - ConfidentialCatastrophic Leave Program

When a catastrophic illness or injury incapacitates a confidential employee for an extended period of time, fellow confidential or management employees may donate accrued sick leave credits to that confidential employee under the specific requirements of the County Office's catastrophic leave program. Donations made under the catastrophic leave program shall be voluntary.

Legal Reference: Education Code
44043.5 Catastrophic leave

Policy
adopted: January 24, 1996

Policy
amended: July 9, 1997

Personnel-ConfidentialCatastrophic Leave

"Catastrophic illness or injury" means an illness or injury that is expected to incapacitate an employee for an extended period of time. Extended time off from work can create a financial hardship when all sick leave and other paid time off has been exhausted.

"Eligible Leave Credits" mean sick leave accrued to a donating employee.

Requirements/Conditions

All permanent, full time confidential employees shall be eligible to participate in the Catastrophic Leave program. They may apply for and receive catastrophic leave provided the following conditions are met:

After exhaustion of all available leave credits, the confidential employee may request, on the approved form, a specific amount of leave donation.

The confidential employee must have suffered an incapacitating illness or injury which falls within the provisions.

The County Office of Education must determine that the confidential employee is unable to work because of catastrophic illness after adequate proof of illness has been provided in accordance with Education Code Section 44043.5 to include but not be limited to a doctor's verification of illness and declaration of compliance with the requirements of this leave. Falsification of leave verification will be grounds for discipline. Discipline may include: 1) verbal and/or written reprimand; 2) removal from participation in the program for just cause; and 3) termination.

If the transfer of eligible leave credits is approved by the County Office, any confidential or management employee may, at the time for donation, donate eligible leave credits at a minimum of one (1) day, not to exceed twenty (20) days.

No confidential employee is eligible for catastrophic leave if he or she has used more than seventy percent (70%) of credited sick leave in two (2) of the last three (3) years except that the County Office may waive this provision in verified instances of continuing illness or accident. The maximum amount of time for which donated sick leave credits may be used is twelve (12) consecutive months.

Personnel-ConfidentialCatastrophic Leave (continued)

Participation is voluntary, donation is irrevocable and confidential, and the donor must maintain a minimum of twenty (20) days of accumulated sick leave. Donations shall be in one-day increments. Stress claims shall be excluded from this program; however, physical manifestations such as heart disease or high blood pressure may be included. Transfers of eligible leave credits are irrevocable. **In cases where an employee donating his/her sick leave credits has been a member of the STRS or PERS retirement system prior to July 1, 1980, the donation of sick leave credits can negatively affect his/her benefit amount upon retirement.**

A confidential employee who receives paid catastrophic leave shall use any leave credits that he or she continues to accrue on a monthly basis prior to receiving paid catastrophic leave.

Confidential employees who apply to this program will be required to submit a physician's statement indicating the nature of the illness or injury and the probable length of absence from work. The nature of the illness or injury shall be kept confidential.

In the event the Catastrophic Leave program is canceled, the unclaimed days shall be returned to those employees who have donated them.

The Employer has responsibility and authority for final decisions regarding participation in this program.

Regulation
approved: January 24, 1996

Regulation
amended: July 9, 1997

PERSONNEL – COUNTY SUPERINTENDENT

Compensation

The County Board of Education sets the annual salary for the position of County Superintendent of Schools. The compensation for the position occupied by the County Superintendent shall be reviewed annually following settlements negotiated with Contra Costa County Office of Education's employee bargaining units.

At its annual review of the County Superintendent's compensation, the Board will review comparative data comprised of the total compensation provided to the superintendents of the four largest school districts in Contra Costa County (Mt. Diablo USD, San Ramon USD, West Contra Costa USD, and Antioch USD) and a list of the total compensation received by all Class 2 county superintendents in California.

Compensation for the County Superintendent is intended to be reasonably competitive with the compensation provided to Superintendents occupying comparable-level positions in other County Offices of Education, and school districts.

Compensation is to include all benefits afforded to the management personnel. In order to fulfill the duties of the elected position of County Superintendent of Schools, the County Superintendent will be provided a vehicle expense allowance approved by the Board. Such vehicle expense allowance shall provide for actual costs associated with the County Superintendent's vehicle. At the end of the calendar year, the County Superintendent of Schools shall submit documentation to the County Office of Education Business Office with regard to his/her total vehicle expenses for the calendar year, and if the actual expenses should exceed the total amount of the travel allowance paid during the year, the County Office of Education shall reimburse the County Superintendent of Schools for such excess travel expenses and the County Board of Education shall be informed of the amount of such reimbursement.

Policy

adopted: March 14, 1990

Policy

amended: January 12, 1994

July 9, 1997

May 27, 1998

July 18, 2012